

1136

No. 3095

United States 1136  
Circuit Court of Appeals

For the Ninth Circuit. /

Transcript of Record.  
(IN FOUR VOLUMES.)

LOST HILLS MINING COMPANY, a Corpora-  
tion, and UNIVERSAL OIL COMPANY,  
a Corporation,

Appellants,

vs.

THE UNITED STATES OF AMERICA,  
Appellee.

VOLUME I.  
(Pages 1 to 384, Inclusive.)

Upon Appeal from the United States District Court for the  
Southern District of California, Northern Division.

No. 3095

---

**United States**  
**Circuit Court of Appeals**

**For the Ninth Circuit.**

---

**Transcript of Record.**  
**(IN FOUR VOLUMES.)**

---

LOST HILLS MINING COMPANY, a Corpora-  
tion, and UNIVERSAL OIL COMPANY,  
a Corporation,

Appellants,

vs.

THE UNITED STATES OF AMERICA,

Appellee.

---

**VOLUME I.**  
**(Pages 1 to 384, Inclusive.)**

---

**Upon Appeal from the United States District Court for the  
Southern District of California, Northern Division.**

---



# INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

---

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

	Page
Affidavit of Charles W. Barrett.....	1319
Affidavit of Orlando D. Barton.....	1324
Affidavit of James H. Butts.....	1303
Affidavit of C. J. Giddings.....	1446
Affidavit of Charles D. Hamel.....	1437
Affidavit of L. C. Hyde .....	1447
Affidavit of J. D. Martin.....	1312
Affidavit of Samuel F. B. Morse.....	1227
Affidavit of R. A. Morton.....	1208
Affidavit of R. A. Morton.....	1327
Affidavit of A. R. Orr.....	1441
Affidavit of U. D. Switzer.....	1444
Affidavit of Chas. Togni.....	1443
Affidavit of R. L. Williams in Support of Motion for Hearing of Motion for Appointment of Receiver, etc.....	150
Amended Praeceptum for Transcript on Appeal by Defendants Lost Hills Mining Company and Universal Oil Company, Corporations.....	1512
Amendment to Bill of Complaint.....	17
Answer of Associated Oil Company to Bill of Complaint as Amended.....	114
Answer of Defendant's Universal Oil Company and Lost Hills Mining Company.....	19



Index.	Page
Assignment of Errors on Appeal of the Lost Hills Mining Company, a Corporation, and the Universal Oil Company, a Corporation, Defendants, and Prayer for Reversal of Order Appointing Receiver .....	1485
Attorneys, Names and Addresses of.....	3
Bill of Complaint .....	4
Certificate of Clerk U. S. District Court to Transcript of Record .....	1515
Citation on Appeal.....	1
Consolidated Statement of the Case in the Above-entitled Causes.....	185
Deposition of Joseph Jensen, Taken by Stipulation of Counsel on April 5, 1916, at 11 o'clock A. M., Before J. D. Brown, Notary Public, San Francisco.....	623
DEPOSITIONS ON BEHALF OF THE GOVERNMENT:	
COVEY, H. E.....	885
Cross-examination .....	906
Redirect Examination .....	909
DEAN, J. G.....	949
Cross-examination .....	954
Redirect Examination .....	954
McLAINE, W. L.....	872
Cross-examination .....	880
Redirect Examination .....	884
MULVANE, D. A.....	954
Cross-examination .....	963
Redirect Examination .....	964

Index.	Page
DEPOSITIONS ON BEHALF OF THE GOVERNMENT—Continued:	
PRESTAGE, L. E.....	911
Cross-examination .....	919
Redirect Examination .....	923

## EXHIBITS:

Exhibit "A"—Stipulation .....	192
Exhibit "A" in A-37—Copy of Proceed- ings Before Visalia Land Office.....	488
Plaintiff's Exhibit "A"—Drawing Showing Ideal Section of Occurrence of Gypsite.	631
Plaintiff's Exhibit "C"—Sketch Showing Concentrated Amorphous Gypsite....	657
Plaintiff's Exhibit "D"—Map Showing Method of Sampling Gypsite and Gypsiferous Earth on Sec. 30.....	682
Plaintiff's Exhibit "E"—Map Showing Exposures of Gypsum .....	686
Plaintiff's Exhibit "F"—Map Showing Ex- tent of Gypsite and Gypsiferous Earth on Sec. 30.....	701
Plaintiff's Exhibit "G"—Map of Lost Hills Placer, Sec. 30 .....	710
Plaintiff's Exhibit "H"—Map of Petro- leum Placer, Sec. 30.....	723
Plaintiff's Exhibit "I"—Map of Eagle Placer, Sec. 32.....	738
Plaintiff's Exhibit "J"—Map of Judge Placer, Sec. 32.....	747
Plaintiff's Exhibits "K-L"—Laboratory Certificate of Smith, Emery & Co.....	757

Index.	Page
EXHIBITS—Continued:	
Plaintiff's Exhibit "M"—Photographs . . .	767
Plaintiff's Exhibit No. 1—Map . . . . .	555
Plaintiff's Exhibit No. 2—Report of Curtis & Tompkins, Showing Analysis of Sam- ples Taken from Land in Controversy.	563
Plaintiff's Exhibit No. 3—Report from H. Coffman, Showing Analysis of Sam- ples Taken from Land in Controversy.	564
Plaintiff's Exhibit No. 4—Laboratory Cer- tificate of Smith, Emory & Co. . . . .	566
Plaintiff's Exhibit No. 5—Drawings Show- ing Exposures of Gypsite . . . . .	581
Plaintiff's Exhibit No. 6—Photograph . . .	588
Plaintiff's Exhibit No. 7—Photograph . . .	590
Plaintiff's Exhibits Nos. 8-9—Photo- graphs . . . . .	592
Plaintiff's Exhibits Nos. 10-11—Photo- graphs . . . . .	593
Plaintiff's Exhibits 12-13—Photographs . .	596
Plaintiff's Exhibit No. 14—Photograph . .	598
Defendants' Exhibit "A-2"—Map . . . . .	1250
Defendants' Exhibit "A-3"—Map . . . . .	1251
Defendants' Exhibit "A-4"—Map . . . . .	1255
Defendants' Exhibit "A-5"—Lost Time Record . . . . .	1260
Defendants' Exhibit "A-6"—Lost Time Record . . . . .	1263
Defendants' Exhibit "B" (Case No. A-37) —Affidavit of W. B. Wallace . . . . .	994

## Index.

## Page

## EXHIBITS—Continued:

Defendants' Exhibit "B"—Affidavit of R. A. Morton .....	1124
Defendants' Exhibit "B"—Map of Oil Fields .....	791
Defendants' Exhibit "C" (Case No. A-37) —Affidavit of L. C. Hyde .....	998
Defendants' Exhibit "D" (Case No. A-37) —Affidavit of C. J. Giddings .....	1001
Defendants' Exhibit "E" (Case No. A-37) —Affidavit of M. T. Mills.....	1003
Defendants' Exhibit "E"—Affidavit of George T. Cameron on Motion for Re- ceiver .....	1293
Defendants' Exhibit "F" (Case No. A-37) Affidavit of Rudolph Schwarzlose....	1153
Defendants' Exhibit "F" (Case No. A-37) —Affidavit of U. D. Switzer.....	1005
Defendants' Exhibit "G." (Case No. A-37) —Affidavit of E. C. Farnsworth.....	1007
Defendants' Exhibit "H" (Case No. A-37) —Affidavit of Charles Togni.....	1009
Defendants' Exhibit "I" (Case No. A- 37)—Affidavit of A. R. Orr.....	1012
Defendants' Exhibit "J" (Case No. A- 37)—Affidavit of O. D. Barton.....	1014
Defendants' Exhibit "K" (Case No. A- 37)—Affidavit of W. B. Wallace.....	1020
Defendants' Exhibit "L" (Case No. A-37) —Affidavit of Hugo Fischl.....	1023

Index.	Page
EXHIBITS—Continued:	
Defendants' Exhibit "Q" (Case No. A-37)	
—Affidavit of William B. Gester.....	1079
Defendants' Exhibit "R" (Case No. A-37)	
—Affidavit of M. C. Seagrave.....	1086
Defendants' Exhibit "S" (Case No. A-37)	
—Affidavit of R. O. Wrana.....	1098
Defendants' Exhibit "T" (Case No. A-37)	
—Affidavit of T. S. Montgomery.....	1108
Defendants' Exhibit "U" (Case No. A-37)	
—Affidavit of F. M. Eaton.....	1117
Defendants' Exhibit "V" (Case No. A-37)	
—Affidavit of Duncan Anderson.....	1118
Defendants' Exhibit "X" (Case No. A-37)	
—Affidavit of Edmund Tauszky..	1147
Defendants' Exhibit "Y-E" (Case No. A-37)—Affidavit of Rudolph Schwar-	
lose .....	1153
Defendants' Exhibit "Y-1" (Case No. A-37)—Affidavit of Adolph Schwarz-	
lose .....	1149
Defendants' Exhibit "Y-3" (Case No. A-37)—Affidavit of Rudolph Schwarz-	
lose .....	1150
Defendants' Exhibit "Y-4" (Case No. A-37)—Affidavit of Rudolph Schwarz-	
lose .....	1151
Defendants' Exhibit "Y-5," (Case No. A-37)—Affidavit of Rudolph Schwarz-	
lose .....	1152
Lost Hills Exhibit "F"—Affidavit of E. R. Dudley .....	1418



Index.	Page
Minutes of Court—July 28, 1916—Hearing on Motion for Restraining Order, etc.....	147
Minutes of Court—August 15, 1916—Hearing on Motion for Restraining Order, etc.....	153
Minutes of Court—August 16, 1916—Hearing on Motion for Restraining Order, etc.....	155
Minutes of Court—August 18, 1916—Hearing on Motion for Restraining Order, etc.....	156
Minutes of Court—August 21, 1916—Hearing on Motion for Restraining Order, etc.....	157
Minutes of Court—August 22, 1916—Hearing on Motion for Restraining Order, etc.....	160
Minutes of Court—August 23, 1916—Hearing on Motion for Restraining Order, etc.....	164
Minutes of Court—August 24, 1916—Hearing on Motion for Restraining Order, etc.....	167
Minutes of Court—August 25, 1916—Hearing on Motion for Restraining Order etc.....	169
Minutes of Court—August 28, 1916—Hearing on Motion for Restraining Order, etc.....	171
Minutes of Court—August 29, 1916—Hearing on Motion for Restraining Order, etc.....	174
Minutes of Court—October 4, 1916—Order Overruling Defendants' Plea and Objection to Jurisdiction, etc. ....	177
Names and Addresses of Attorneys.....	3
Notice of Election by Defendants, Lost Hills Mining Company and Universal Oil Com- pany as to Printing Record .....	1510
Notice of Motion for Hearing of Motion for Ap- pointment of Receiver, etc.....	149

Index.	Page
Notice of Motion for Restraining Order and Receiver .....	144
Notice of Motion to Have the Jurisdictional Defense of the Defendants Separately Heard and Disposed of.....	141
Opinion.....	1464
Order Allowing Appeal and Fixing Amount of Bond .....	1483
Order Appointing Receiver .....	179
Order Approving Statement of Evidence.....	1477
Order Enlarging Time to and Including December 18, 1917, to File Record and Docket Cause Under Subdivision 1 of Rule 16....	1530
Petition for Appeal by the Lost Hills Mining Company, a Corporation, and the Universal Oil Company, a Corporation.....	1479
Stipulation .....	192
Stipulation and Order Enlarging Time to and Including March 18, 1917, for Filing Statement of Evidence .....	1495
Stipulation and Order Enlarging Time to and Including March 18, 1917, to File Record in Appellate Court, etc.....	1517
Stipulation and Order Enlarging Time to and Including May 18, 1917, for Filing Statement of Evidence .....	1497
Stipulation and Order Enlarging Time to and Including May 18, 1917, to File Record in Appellate Court, etc.....	1519
Stipulation and Order Enlarging Time to and Including July 18, 1917, for Filing Statement of Evidence.....	1499

Index.	Page
Stipulation and Order Enlarging Time to and Including July 18, 1917, to File Record in Appellate Court, etc.....	1522
Stipulation and Order Enlarging Time to and Including September 18, 1917, for Filing Statement of Evidence .....	1501
Stipulation and Order Enlarging Time to and Including September 18th, 1917, to File Record in Appellate Court, etc.....	1524
Stipulation and Order Enlarging Time to and Including November 18, 1917, for Filing Statement of Evidence.....	1503
Stipulation and Order Enlarging Time to and Including November 18th, 1917, to File Record in Appellate Court, etc.....	1527
Stipulation for Approval of Statement of Evi- dence .....	1509
Stipulation for but One Transcript of the Rec- ord and Statement of Evidence on Appeal, as to the Use Thereof on Appeal, and for the Time of Filing of Statement of Evi- dence .....	1506
Stipulation Re Allowance of Appeal .....	1493
Stipulation Re Statement of Evidence.....	1476
TESTIMONY ON BEHALF OF PLAIN- TIF:	
BARTON, ORLANDO C.....	782
Cross-examination....	810
COFFEY, GEORGE A.....	859
Cross-examination....	867



	Index.	Page
TESTIMONY ON BEHALF OF PLAIN-		
TIFF—Continued:		
Redirect Examination.....		872
ENGLISH, T. A.....		965
GILLAN, SILAS S. ....		970
JENSEN, JOSEPH.....		543
Cross-examination.....		609
Redirect Examination.....		620
KINGSBURY, J. W. (In Rebuttal).....		1462
LATHAM, E. B. (In Rebuttal).....		1448
Cross-examination.....		1461
MORTON, RAYMOND ALBERT.....		1034
TESTIMONY ON BEHALF OF DEFEND-		
ANT:		
BISHOP, ROY N.....		1038
Cross-examination.....		1053
Recalled.....		1240
Cross-examination.....		1265
MEANS, THOMAS H. ....		1423
Cross-examination.....		1425
Redirect Examination.....		1433
Recross-examination.....		1435
Redirect Examination.....		1436
OCHSNER, H. H.....		1154
Cross-examination.....		1167
TODDE, W. O.....		1229
Cross-examination.....		1231
WALLACE, W. B.....		1186
Recalled—Cross-examination..		1195
Cross-examination.....		1206
Undertaking on Appeal.....		1481

*In the District Court of the United States, for the  
Southern District of California, Northern Di-  
vision, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE LOST HILLS MINING COMPANY, THE  
UNIVERSAL OIL COMPANY, and THE  
ASSOCIATED OIL COMPANY,

Defendants.

**Citation on Appeal.**

The United States of America,—ss.

To the United States of America, GREETING:

YOU ARE HEREBY CITED and admonished to be and appear at the United States Circuit Court of Appeals, Ninth Circuit of the United States, to be holden at San Francisco, California, on the 18 day of February, 1917, pursuant to an appeal filed in the clerk's office of the United States District Court in and for the Southern District of California, Northern Division, Ninth Circuit wherein the Lost Hills Mining Company, a corporation, and the Universal Oil Company, a corporation, are appellants and the United States of America is respondent to show cause, if any there be, why the order and decree appointing Howard M. Payne receiver of the properties involved in the above-entitled suit should not be corrected and speedy justice should not be done to the parties on that behalf.

WITNESS the Honorable MAURICE T. DOOLING, Judge of said District Court this 19 day of January, in the year of our Lord one thousand nine hundred and seventeen and of the Independence of the United States of America one hundred and forty-first.

M. T. DOOLING,  
District Judge. [4-A\*]

[Endorsed]: In Equity. A-52-Eq. In the District Court of the United States for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. The Lost Hills Mining Company, The Universal Oil Company, and The Associated Oil Company, Defendants. Citation on Appeal. Filed Jan. 23, 1917. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy Clerk.

Due service of the within citation on appeal is hereby admitted and acknowledged on behalf of the United States this 19th day of January, 1917.

ALBERT SCHOONOVER,  
United States Attorney,  
E. J. JUSTICE,  
FRANK HALL,  
Special Assistants to the Attorney General,  
Attorneys for Appellees.

---

\*Page-number appearing at foot of page of original certified Transcript of Record.

**Names and Addresses of Attorneys.**

For Appellants:

JOSEPH D. REDDING, Esq., and Messrs.  
MORRISON, DUNNE & BROBECK,  
Crocker Building, San Francisco, Cali-  
fornia.

For Appellees:

ROBERT O'CONNOR, Esq., United States  
Attorney, Los Angeles, California;  
HENRY F. MAY, Esq., and FRANK  
HALL, Esq., Special Assistants to the At-  
torney General, San Francisco, California.  
[6-A]

---

*In the District Court of the United States of  
America, in and for the Southern District of  
California, Northern Division.*

IN EQUITY—No. A-52.

THE UNITED STATES OF AMERICA,  
Complainants,

vs.

LOST HILLS MINING COMPANY, a Corpora-  
tion, UNIVERSAL OIL COMPANY, a Cor-  
poration and ASSOCIATED OIL COM-  
PANY, a Corporation,

Defendants. [7-A]

*In the District Court of the United States, for the  
Southern District of California, Northern Division,  
Ninth Circuit.*

IN EQUITY—No. —.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNI-  
VERSAL OIL COMPANY, and ASSO-  
CIATED OIL COMPANY,

Defendants.

### **Bill of Complaint.**

To the Judges of the District Court of the United States for the Southern District of California, Sitting Within and for the Northern Division of Said District:

The United States of America, by Thomas W. Gregory, its Attorney General, presents this, its Bill in Equity, against Lost Hills Mining Company, Universal Oil Company, and Associated Oil Company, the above-named defendants (citizens and residents, respectively, as stated in the next succeeding paragraph of this bill), and for cause of its complaint alleges:

#### **I.**

That each of said defendants now is, and at all times hereinafter mentioned as to it was, a corporation organized and existing under the laws of the State of California.

II.

That on and before the 27th day of September, 1909, the following described lands, to wit:

The Northwest Quarter, and the Southeast Quarter, of Section Thirty (30), and all of Section [8-A] Thirty-two (32), all in Township Twenty-six (26) South, Range Twenty-one (21) East, Mount Diablo Meridian, were a part of the public lands of the United States, and as such the plaintiff was on that date, has ever since been, and now is, the owner and entitled to the possession thereof, and of all oil, petroleum, gas, and other minerals therein contained.

III.

On the 27th day of September, 1909, the President of the United States, acting by and through the Secretary of the Interior, and under the authority legally invested in him so to do, duly and regularly withdrew and reserved all of the land hereinbefore particularly described (together with other lands) from mineral exploration, and from all forms of location or settlement, selection, filing, entry, patent, occupation, or disposal, under the mineral and non-mineral land laws of the United States, and since said last-named date none of said lands have been subject to exploration for mineral oil, petroleum or gas, occupation, or the institution of any right under the public land laws of the United States.

IV.

Notwithstanding the premises, and in violation of the proprietary and other rights of this plaintiff, and in violation of the laws of the United States and



lawful orders and proclamation of the President of the United States, and particularly in violation of said order of withdrawal of September 27th, 1909, mentioned in the preceding paragraph, and in disregard of, contrary to, and by infringement upon, the general governmental policy adopted by the United States for the protection, conservation, disposal, and use of the petroleum and gas contained in said lands and in other lands belonging to the [9-A] United States, the defendants, Lost Hills Mining Company, and Universal Oil Company, entered upon and took possession of the lands hereinbefore particularly described, long subsequent to the 27th day of September, 1909, but not prior thereto, for the purpose of prospecting and exploring for petroleum and gas therein, and did so prospect and explore long subsequent to the date on which said lands were withdrawn, as hereinbefore mentioned, by said withdrawal order of September 27th, 1909.

#### V.

None of the defendants herein had discovered petroleum, gas, or other minerals on said lands on or before said lands were withdrawn, as hereinbefore stated, by the withdrawal order made on the 27th day of September, 1909, as hereinbefore set forth.

#### VI.

Neither of the defendants, nor any person for them or under whom they claim, was, at the date of said order of withdrawal of September 27, 1909, a *bona fide* occupant or claimant of said land and in the diligent prosecution of work leading to

the discovery of oil or gas; and neither of the defendants after the dates of the respective entering upon said land, as hereinbefore alleged, and after beginning the prosecution of the work of drilling for oil and gas, in violation of the order of withdrawal of September 27th, 1909, continued in the diligent prosecution of said work till oil or gas was discovered.

## VII.

Long after the lands hereinbefore described had been withdrawn from prospecting, exploration, and entry, as hereinbefore set forth, by the order of September 27th, 1909, hereinbefore mentioned, to wit; on the 29th day of July, 1910, and not before that date, as plaintiff is informed and believes, the defendant, Lost Hills Mining Company, discovered petroleum on said land, and since that date the said Lost Hills Mining Company and [10-A] the defendant Universal Oil Company have drilled numerous wells thereon for the extraction of petroleum therefrom, and have in violation of the proprietary and other rights of the plaintiff herein, and in violation of the laws of the United States and of proclamations and orders issued by the President of the United States, and particularly in violation of said order of withdrawal of September 27th, 1909, and in disregard of, and contrary to, and by infringement upon, the general governmental policy adopted and declared by the United States for the protection, conservation, use and disposal of petroleum and gas in said lands and in other lands belonging to the United States, and to the great and irreparable



damage to the plaintiff, and to the great and irreparable injury to the lands hereinbefore described, and to other lands belonging to the United States, extracted and produced on the land hereinbefore described large quantities of petroleum and gas, but the exact amount and value of the petroleum and gas so extracted and produced, the plaintiff is unable to state.

### VIII.

Of the petroleum and gas extracted and produced in the manner set forth in the preceding paragraph of this bill, large quantities have been converted, used and consumed by the defendants, Lost Hills Mining Company, and Universal Oil Company; other large quantities of such petroleum have been sold and delivered by said companies to the defendant Associated Oil Company, and other large quantities of such petroleum have been sold by the defendants Lost Hills Mining Company, and Universal Oil Company to other persons and corporations, whose names are to this plaintiff unknown and for that reason cannot here be stated, but as to the exact quantities of petroleum and gas so used and consumed, and as to the exact quantities of such petroleum so sold and delivered, and as to the value thereof, and as to the price received for such quantities of petroleum [11-A] as have been so sold and delivered, this plaintiff is here unable to state because it has no knowledge thereof and has no means of ascertaining the facts in relation thereto except from the defendants herein, and therefore a full discovery from said defendants is sought herein.

## IX.

Said defendants, Lost Hills Mining Company, and Universal Oil Company, hereinbefore alleged to have entered upon said lands, are now unlawfully extracting oil and gas from said lands, drilling oil and gas wells thereon, and otherwise trespassing upon said lands and asserting claims thereto, and are threatening to, and will, unless restrained by the order of this court, continue to unlawfully extract oil and gas from said lands, and to drill oil and gas wells thereon, and operate same, and extract, convert and appropriate, use, sell and dispose of oil and gas from said lands, and otherwise trespass upon said lands and commit waste thereon to the great and irreparable damage of plaintiff and to the great and irreparable injury to said lands, and contrary to, and by infringement upon, the general governmental policy adopted and declared by the United States for the protection and conservation, use, and disposal, of the petroleum and gas in said lands and in other lands belonging to the United States.

## X.

Each of the defendants herein claims some right, title or interest to said land or some part thereof, or in the petroleum or gas extracted therefrom or in or to the proceeds arising from the sale of such petroleum or through and by purchase thereof, and each of said claims is predicated upon, or derived directly or mediately from, some pretended notice or notices of mining locations, or otherwise, and by conveyances, contracts, or liens directly or mediately from the persons by whom such [12-A] pre-

tended locations are claimed to have been made. But none of such location notices and claims is valid against this plaintiff and no rights have accrued to the defendants or any of them thereunder either directly or mediately; nor have any minerals been discovered on said land except as hereinbefore stated; but said claims are asserted to cast a cloud upon the title of the plaintiff herein and wrongfully interfere with its operation and disposition of said land, to the great and irreparable damage of said plaintiff and to the great and irreparable injury of said land; and the plaintiff herein is without redress or adequate remedy save by this suit, and this suit is necessary to avoid a multiplicity of actions.

## XI.

Except as in this bill stated, the plaintiff has no other knowledge or information concerning the nature of any other claims asserted by the defendants herein, or any of them, and therefore leaves said defendants to set forth their respective claims and interests.

In that behalf plaintiff alleges, because of the premises of this bill, that none of the defendants has or ever had any right, title, or interest in or to, or any lien upon, said land or any part thereof, or any right, title, or interest in or to the petroleum, mineral oil, or gas deposited therein, or any right to extract petroleum, gas or other minerals from said land, or to convert or dispose of the petroleum or gas so extracted or any part thereof; on the contrary the acts of these defendants who have entered upon said lands and drilled oil and gas wells thereon and used

and appropriated the petroleum deposited therein, and assumed to sell and convey any interest in or to any part of said lands, or any part of the petroleum extracted therefrom, were all in violation of the laws of the United States and of the aforesaid order of withdrawal, and all of said acts are in violation [13-A] of the rights of the plaintiff herein, and such acts interfere with the execution by the plaintiff of its public policies with respect to said lands and the petroleum and gas therein as hereinbefore set forth.

XII.

The present value of the lands hereinbefore described exceeds One Million Dollars (\$1,000,000). In consideration of the premises thus exhibited, and in as much as plaintiff herein is without full and adequate remedy in the premises save in a court of equity, where matters of this nature are properly cognizable and relievable, plaintiff prays:

1. That said defendants, and each of them, may be required to make full, true and direct answer respectively to all and singular the matters and things hereinbefore stated and charged, and to fully disclose and state their claims to said land hereinbefore described, and to any and all parts thereof, as fully and particularly as if, they had been particularly interrogated thereunto, but not under oath, answer under oath being hereby expressly waived.

2. That the said land may be declared by this Court to have been at all times from and after the 27th day of September, 1909, lawfully withdrawn from mineral exploration and from all forms of lo-



cation, settlement, selection, filing, entry, or disposal under the mineral and nonmineral public land laws of the United States.

3. That said defendants, and each of them, may be adjudged and decreed to have no estate, right, title, interest *of* claim in or to said land or any part thereof, or in or to any mineral or minerals or mineral deposits contained in or under said land or any part thereof; and that all and singular of said land, together with all of the minerals and mineral deposits, including mineral oil, petroleum and gas therein or thereunder [14-A] contained, may be adjudged and decreed to be the perfect property of this plaintiff, free and clear of the claims of said defendants, and each and every one of them.

4. That each and all of the defendants herein, their officers, agents, servants and attorneys, during the progress of this suit, and thereafter, finally and perpetually, may be enjoined from asserting or claiming any right, title, interest, claim or lien in or to the said land or any part thereof, or in or to any of the minerals, or mineral deposits therein, or thereunder contained; and that each and all of the defendants herein, their officers, agents, servants and attorneys, during the progress of this suit, and thereafter, finally and perpetually may be enjoined from going upon any part or portion of said land, and from in any manner using any of said land and premises, and from in any manner extracting, removing or using any of the minerals deposited in or under said land and premises, or any part or portion thereof, or any of the other natural products thereof,

and from in any manner committing any trespass or waste upon any of said land or with reference to any of the minerals deposited therein or thereunder, or any of the other natural products thereof.

5. That an accounting may be had by said defendants, and each and every one of them, wherein said defendants, and each of them, shall make a full, complete, itemized and correct disclosure of the quantity of minerals (and particularly petroleum) removed or extracted or received by them or either of them, from said land, or any part thereof, and of any and all moneys or other property or thing of value received from the sale or disposition of any and all minerals extracted from said land or any part thereof, and of all rents and profits received under any sale, lease, transfer, conveyance, contract or agreement concerning said land or any part thereof; and that the plaintiff may [15-A] recover from said defendants, respectively, all damages sustained by the plaintiff in these premises.

6. That a receiver may be appointed by this Court to take possession of said land and of all wells, derricks, drills, pumps, storage vats, pipes, pipelines, shops, houses, machinery, tools and appliances of every character whatsoever thereon, belonging to or in the possession of said defendants, or any of them, which have been used or now are being used in the extraction, storage, transportation, refining, sale, manufacture, or in any other manner in the production of petroleum or petroleum products or other minerals from said land or any part thereof for the purpose of continuing, and with full power and au-

thority to continue the operations on said land in the production and sale of petroleum and other minerals where such course is necessary to protect the property of the complainant against injury and waste, and for the preservation, protection and use of the oil and gas in said land, and the wells, derricks, pumps, tanks, storage vats, pipes, pipe-lines, houses, shops, tools, machinery, and appliances being used by the defendants, their officers, agents or assigns in the production, transportation, manufacture or sale of petroleum or other minerals from said land or any part thereof, and that such receiver may have the usual and general powers vested in receivers of courts of chancery.

To the end therefore that this plaintiff may obtain the relief to which it is justly entitled in the premises, may it please your Honors to grant unto the plaintiff a writ or writs of subpoena, issued by and under the seal of this Honorable Court, directed to said defendants herein, to wit: Lost Hills Mining Company, Universal Oil Company, and Associated Oil Company, therein and thereby commanding them and each of them at a certain time, and under a certain penalty therein to be named, to be and appear before this Honorable Court, and then and there, severally, [16-A] full, true and direct answers make to all and singular the premises, but not under oath, answer under oath being hereby expressly waived, and stand to perform and abide by such order, direction and decree as may be made against

them, or any of them, in the premises, and shall be meet and agreeable to equity.

T. W. GREGORY,

Attorney General of the United States.

ALBERT SCHOONOVER,

United States District Attorney.

E. J. JUSTICE,

Special Assistant to the Attorney General.

A. E. CAMPBELL,

Special Assistant to the Attorney General.

FRANK HALL,

Special Assistant to the Attorney General.

United States of America,  
Northern District of California,  
State of California,—ss.

George Hayworth, being first duly sworn, deposes and says:

He is now and has been since the 1st day of February, 1914, Chief of Field Division of the General Land Office at San Francisco, California, and prior to that time was, since July, 1910, a Special Agent of the General Land Office doing field work in California, and much of said work has been done in the investigation of facts relating to the lands withdrawn by the President as oil lands, and especially the lands withdrawn by order of September 27th, 1909, and by the order of July 2d, 1910;

That from examination of such lands, or the facts in relation thereto obtained by him or by Special Agents acting [17-A] under his direction as such Chief of Field Division, and from examinations of the records of the General Land Office, and the local



land offices of complainant in said State of California, he is informed as to the matters and things as stated in the complaint with reference to the particular lands therein described; and the matters therein stated are true, except as to such matters as are stated to be on information and belief, and as to these, affiant, after investigation, states he believes them to be true.

GEORGE HAYWORTH.

Subscribed and sworn to before me this 1st day of March, 1916.

[Seal]

T. S. BALDWIN,  
Deputy Clerk, U. S. District Court, Northern District of California.

[Endorsed]: No. A-52—Eq. In the District Court of the United States, for the Southern District of California, Northern Div., Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company et al., Defendants. Bill of Complaint. Filed Mar. 2, 1916. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. [18-A]

*In the District Court of the United States for the  
Southern District of California, Northern Division,  
Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVERSAL OIL COMPANY, and ASSOCIATED OIL COMPANY,

Defendants.

**Amendment to Bill of Complaint.**

Comes now the plaintiff in the above-entitled cause and by leave of Court granted — day of March, 1916, amends its bill of complaint therein by striking out all of paragraph II of said bill and substituting in lieu thereof the following:

“II.

That on and before the 27th day of September, 1909, the following described land, to wit:

The Northwest Quarter, and the Southeast Quarter of Section Thirty (30), and the Northeast Quarter and West Half of Section Thirty-two (32), all in Township Twenty-six (26), South, of Range Twenty-one (21), East, Mount Diablo Meridian,

were a part of the public lands of the United States, and as such the plaintiff was on that date, and has ever since been, and now is, the owner and entitled to

the possession thereof, and of all oil, petroleum, gas, and other minerals therein contained." [19-A]

E. J. JUSTICE,  
ALBERT SCHOONOVER,  
A. E. CAMPBELL,  
FRANK HALL,

Attorneys for the Plaintiff.

The application of the plaintiff to be allowed to amend the bill of complaint as indicated above is hereby granted, and upon the filing of this order and due and timely notice thereof to the defendants in said cause, the bill will be amended and treated and stand as amended, as indicated therein.

This March 9th, 1916.

BLEDSON,  
United States District Judge.

Service of the above and foregoing, by receipt of copy thereof, is hereby acknowledged.

This March 9th, 1916.

JOSEPH D. REDDING,  
Atty. for Defts. Lost Hills Mining Co. & Universal  
Oil Company.

EDMUND TAUSZKY,  
Attorney for Defendant Associated Oil Co. [20-A]

[Endorsed]: A-52. In the District Court of the United States for the Southern District of California. United States of America, Plaintiff, vs. Lost Hills Mining Company, Universal Oil Company, and Associated Oil Company, Defendants. Order on and Amendment to Bill of Complaint. Filed Mar. 9th, 1916. Wm. M. Van Dyke, Clerk.

By T. F. Green, Deputy. E. J. Justice, Albert Schoonover, A. E. Campbell, Frank Hall. [21-A]

---

*In the District Court of the United States, in and for  
the Southern District of California, Northern  
Division, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

vs.

LOST HILLS MINING COMPANY, UNI-  
VERSAL OIL COMPANY, and ASSO-  
CIATED OIL COMPANY,

Defendants.

**Answer of Defendants Universal Oil Company and  
Lost Hills Mining Company.**

Come now Universal Oil Company and Lost Hills Mining Company, two of the defendants in the above-entitled action, and answering the Amended Bill of Complaint of the plaintiff therein and herein, admit and deny as follows:

Answering paragraph II of the Amended Bill of Complaint of the plaintiff, said defendants deny that on or before the 27th day of September, 1909, the lands described in said Amended Bill of Complaint were a part of the public lands of the United States; and deny that as such plaintiff was on that date, or has ever since been, or now is, the owner or entitled to the possession thereof, or of all of the oil, petroleum, gas or other minerals therein contained, or is

the owner or entitled to the possession thereof or of any oil, petroleum, gas or any other minerals therein contained; and in this behalf the said defendants allege that the lands described in said Amended Bill of Complaint were duly located and entered upon and taken possession of by [22-A] the said defendants and their assignors and predecessors in interest on the 14th day of February, 1907; and the said defendants furthermore allege that ever since the last-named date the said defendants and their assignors and predecessors in interest have been in possession of said lands and have been and are entitled to the possession of said lands, and to the possession of the oil, petroleum, gas and all other minerals contained therein, and now are the owners and entitled to the possession thereof, and of all oil, petroleum, gas and other minerals therein contained.

## II.

Answering paragraph III of the Amended Bill of Complaint of the plaintiff the said defendants admit that the plaintiff holds the legal title to the property referred to and described in paragraph II of said Amended Bill of Complaint; but deny that the plaintiff is entitled to the possession of said lands, or any part thereof, or to the possession of the oil, petroleum, gas, and all other minerals, or to the possession of any mineral, contained in said lands; and in this behalf the said defendants allege that they are, and they and their assignors and predecessors in interest, ever since the 14th day of February, 1907, have been, entitled to the possession of the said lands described in said paragraph II, and to the possession of the oil,



petroleum, gas, and all other minerals contained therein; and the said defendants furthermore allege that they are the equitable owners of said lands, and are entitled to the execution and issuance by the plaintiff of a patent to them, the said defendants, conveying to them the legal title to said lands and to all the minerals contained therein. The said defendants admit that on the 27th day of September, 1909, the President of the United States legally [23-A] withdrew and reserved certain land from mineral exploration and from all forms of location or settlement, selection, filing, entry, patent, occupation, or disposal under the mineral and nonmineral Land Laws of the United States, but deny that by said order the lands described in paragraph II of said Amended Bill of Complaint, which said lands, as heretofore alleged, are in the lawful possession of these defendants, were in any manner affected, or that the rights of these defendants or either of them were in any manner affected thereby; that in and by the terms of said order of withdrawal it was provided that all locations or claims existing and valid on the date of said withdrawal might proceed to entry in the usual manner after filing, investigation and examination, and that the lands described in paragraph II of said Amended Bill of Complaint, at all times since the 14th day of February, 1907, have been and now are valid locations and claims within the meaning, purport and effect of the said proviso to the said withdrawal order.

### III.

Answering paragraph IV of the Amended Bill of

Complaint of the plaintiff, the said defendants deny that in violation of the proprietary and other rights of the plaintiff, or in violation of the laws of the United States, and lawful orders and proclamations of the President of the United States, or in violation of said order of withdrawal of the 27th day of September, 1909, or that in violation of any right of the plaintiff, or of any law of the United States, or of any proclamation of the President of the United States, or in disregard or contrary to or by infringement upon the general or any governmental policy adopted by the United States for the protection, conservation, disposal or use of the petroleum or gas contained in said lands, or any other [24-A] lands belonging to the United States, or in disregard of, or contrary to, or by infringement upon any governmental policy adopted by the United States, or for any purpose whatsoever, the said defendants, or their assignors or predecessors in interest, entered upon and took possession of said lands, or any part thereof, long, or at all, subsequent to the 27th day of September, 1909, for the purpose of exploring said lands for petroleum and gas, or for any purpose; and in this behalf the said defendants allege that they, and their assignors and predecessors in interest, have been in the lawful possession of the said lands since the 14th day of February, 1907; furthermore, the said defendants deny that they, and their predecessors in interest, did so prospect or explore long subsequent to the date on which said lands were withdrawn by said withdrawal order of September 27th, 1909; on the contrary, said defendants allege that they and their predecessors in

interest did prospect and explore said lands for petroleum and gas therein long prior to the said date of withdrawal and long prior to said withdrawal order of September 27th, 1909.

#### IV.

Answering paragraph V of the Amended Bill of Complaint of the plaintiff said defendants admit that these defendants had not discovered petroleum or gas on said lands on or before the 27th day of September, 1909; but deny that the said defendants, and their predecessors, had not discovered other minerals on said lands on or before the said date; and deny that they and their predecessors had acquired no right on or with respect to said lands on or prior to said date; and in this behalf the said defendants allege that their assignors and predecessors in interest, through whom these defendants derainged their title, [25-A] were, long prior to said order of withdrawal of September 27th, 1909, to wit, as early as December, 1908, continuously and diligently engaged in exploring and developing said lands for gas and petroleum, and in the building of roads upon said lands, and upon adjacent lands leading to said lands and in the maintenance of said roads, and in the construction, building, and erection of buildings upon said lands, and in the digging and construction of foundation trenches upon said lands, for the establishment of drilling rigs thereon, and in the purchase and bringing in upon said lands of rig timbers, and in the establishment of an equipment plant upon said lands and upon adjacent lands for the development of oil, gas and petroleum upon said lands, and to be used in connection



therewith, and in the transportation of water in and upon said lands, and in the establishment of a conduit system for water from adjacent lands onto said lands; that all of said last enumerated development work and industry on the part of the said defendants and their assignors and predecessors in interest continued from the month of December, 1908, throughout all of the years 1909, 1910, and 1911, and down to the present date; defendants furthermore allege that they and their assignors and predecessors in interest continued to use uninterruptedly and continuously said roads, said water conduits, said building, said rig timbers, said foundation trenches, and did establish their rigs therein and thereon, and are doing so at the present time; that said defendants and their assignors and predecessors in interest have been in daily and actual possession and occupation of said lands from the year 1904 down to and including the present time without interruption, and always with the continuous, diligent industry and effort to discover oil, gas, and petroleum upon said lands, and have, as a result of said [26-A] continuous, uninterrupted and diligent industry and effort, discovered and are producing oil, gas and petroleum in paying quantities upon said lands; furthermore, said defendants allege that they and their assignors and predecessors in interest through whom these defendants derainged their title, discovered a mineral, to wit, gypsum, on said lands long before the 27th day of September, 1909, to wit, during the month of December, 1908, and that by virtue of said discovery and by virtue of the due posting and recording of a valid location notice

and by virtue of the performance of the annual labor and assessment work upon said lands required by statute, and the due performance by them and by their assignors and predecessors in interest of all of the requirements of the laws relating thereto, and by the continuous possession, occupation and industry looking toward and leading to the discovery of oil, gas and petroleum upon said lands, these defendants have acquired rights on and with respect to said lands, which said rights could not lawfully be and were not impaired by said withdrawal order of the 27th day of September, 1909, or by any subsequent withdrawal order.

## V.

Answering paragraph VI of the Amended Bill of Complaint of the plaintiff the said defendants deny that said defendants, or any person for them or under whom they claim, were not, at the date of said order of withdrawal of September 27th, 1909, *bona fide* occupants or claimants of said lands or in the diligent prosecution of work leading to the discovery of oil or gas; on the contrary, these defendants allege that the defendant Lost Hills Mining Company, the predecessor in interest of the defendant Universal Oil Company, was at the said date of the said order of withdrawal of September 27th, 1909, a *bona fide* occupant and [27-A] claimant of said lands and was in the diligent prosecution of work leading to the discovery of oil and gas; and in this behalf these defendants allege that commencing with the month of February, 1907, and thence on during the years 1908 and 1909, the defendants and their

assignors and predecessors in interest, through whom these defendants deraigned their title, were in the actual occupation of said lands and were diligently and continuously industrious in developing said lands for gas, oil and petroleum; and in support of this last allegation, these defendants reiterate and refer to all of the allegations made by them in Paragraph IV of this answer, and repeat the same; furthermore, these defendants deny that after the date of the entering upon said lands or after the beginning of the prosecution of the work of drilling for oil and gas, or in violation of the order of withdrawal of September 27th, 1909, they did not continue in the diligent prosecution of said work till oil or gas was discovered; on the contrary, these defendants allege that they and their assignors and predecessors in interest, through whom these defendants deraigned their title, did, from and after the date of the entering upon said lands, namely, from and after the said 14th day of February, 1907, continue in the diligent prosecution of said work till oil and gas were discovered; defendants further allege that they and their assignors and predecessors in interest through whom these defendants deraigned their title, never prosecuted the work of drilling for oil and gas or any mineral in violation of the order of withdrawal of September 27th, 1909, or in violation of any order of withdrawal.

## VI.

Answering paragraph VII of the Amended Bill of Complaint of the plaintiff, the said defendants deny that long after the [28-A] said lands had

been withdrawn from prospecting, exploration or entry by the order of September 27th, 1909, or at any time after the said lands had been withdrawn from prospecting, exploration or entry, or at any time after said lands had been withdrawn by the order of September 27th, 1909, or at any time after said lands had been withdrawn by any order or at all, or on the 29th day of July, 1910, the said defendant Lost Hills Mining Company discovered petroleum on said lands; on the contrary, said defendants allege that the said lands never have been withdrawn from prospecting, exploration or entry, and never were or have been or are withdrawn by the order of September 27th, 1909, or by any order of the United States or any officer or department thereof. And the said defendants, furthermore, allege that they and their assignors and predecessors in interest discovered petroleum, gas and other minerals on said lands long before the 29th day of July, 1910, and acquired the possession, ownership and right to oil, petroleum, gas and all other minerals on said lands at a time when the same were open for location, occupation and development as mineral lands, and under the mineral laws of the United States and in conformity thereto and therewith, and under the privileges and rights guaranteed to said defendants so to do by the laws of the United States. The said defendants admit that between the date of February 14th, 1907, and the present time and also subsequently to the 29th day of July, 1910, the Lost Hills Mining Company, one of the defendants herein, and also both defendants, have discovered petroleum on said lands,



and have drilled numerous wells thereon for the extraction of petroleum therefrom; but said defendants deny that they, or either of them, or their assignors or predecessors in interest, have, in violation of the proprietary or other rights of the plaintiff [29-A] herein, or in violation of the laws of the United States, or of proclamation or orders issued by the President of the United States, or in violation of any of the proprietary or other rights of the plaintiff herein, or in violation of any of the laws of the United States, or of any of the proclamations or orders issued by the President of the United States, or particularly, or at all, in violation of said order of withdrawal of September 27th, 1909, or in disregard of, or contrary to, or infringement upon, the general or any governmental policy adopted and declared by the United States for the protection, conservation, use or disposal of petroleum or gas in said lands or in other lands belonging to the United States, or to the great or irreparable, or any damage to the plaintiff, or to the great or irreparable injury to the said lands or to other lands belonging to the United States, extracted or produced on the lands described in said amended Bill of Complaint large quantities of petroleum or gas. The said defendants admit that they and their assignors and predecessors in interest had not discovered petroleum or gas on said lands on or before the 27th day of September, 1909; and in this behalf the said defendants allege that the said lands had not been withdrawn and were not withdrawn from prospecting, exploration and entry by the said order of withdrawal or within any order of



withdrawal. The defendants deny that the defendant Lost Hills Mining Company had not discovered oil or petroleum on said lands prior to the 29th day of July, 1910; and in this behalf the said defendants allege that they and their assignors and predecessors in interest acquired rights with respect to said lands long prior to the said 27th [30-A] day of September, 1909, and had discovered a mineral, to wit, gypsum, on said lands long prior to the 27th day of September, 1909, to wit, in the month of December, 1908; said defendants furthermore allege that the defendant Lost Hills Mining Company discovered and developed oil and petroleum upon said lands prior to the 29th day of July, 1910, and that for a long time prior to said discovery, and, in fact, from the month of December, 1908, and thence continuously, the said defendants and their assignors and predecessors in interest through whom they deraigned title had been and were in the actual possession, and continuously and industriously working upon and developing said lands previous to the discovery of oil, gas and petroleum thereon. It is furthermore alleged that as a result of their actual possession, and the possession of their assignors and predecessors in interest, from and after said date of February 14th, 1907, down to and including the present date, and as the result of their continuous and industrious working upon and development of said lands, they have discovered and developed oil, petroleum, gas, gypsum and other minerals in paying quantities upon said lands, and all in conformity with the laws, statutes and privileges granted to

*bona fide* locators by the United States, the plaintiff herein.

## VII.

Answering paragraph VIII of the Amended Bill of Complaint of plaintiff, the said defendants admit the allegations contained in said paragraph; but deny that the plaintiff has any right to a full, or any, recovery from said defendants of the amount of oil, petroleum, gas and other minerals developed, consumed, sold, delivered, and converted by the said defendants out of or from the said lands. [31-A]

## VIII.

Answering paragraph IX of the Amended Bill of Complaint of the plaintiff, said defendants deny that they are now unlawfully extracting oil or gas or any other minerals from said lands, or are unlawfully drilling oil or gas wells thereon; and deny that they are otherwise or in anywise or at all, trespassing upon said lands, or asserting claims thereto; and they furthermore deny that they are threatening to and will, unless restrained by the order of this Court, continue to unlawfully extract oil or gas or any minerals from said lands, or will unlawfully continue to drill oil or gas wells thereon, or operate the same, or will unlawfully extract, convert or appropriate, use, sell or dispose of the oil or gas from said lands; and they deny that they will otherwise or at all trespass upon said lands or commit waste thereon to the great or irreparable or any damage of the plaintiff, or to the great or irreparable or any injury to said lands, or contrary to, or by infringement upon, the general governmental, or any governmental, policy adopted

or declared by the United States for the protection or conservation, use, or disposal, of the petroleum or gas or oil or any other minerals in said lands, or in any other lands belonging to the United States.

IX.

Answering paragraph X of the Amended Bill of Complaint of plaintiff, the said defendants admit that they claim rights, titles and interests to said lands, and to all thereof, and to the petroleum, gas and other minerals extracted therefrom, and to the proceeds arising from the sale thereof. Furthermore, said defendants admit that said claims and rights are predicated upon and derived directly from the notices of mining locations [32-A] and from the said mining locations of the 14th day of February, 1907, and from the possession, occupation, continuous industry and development of said lands from and after said date. The said defendants deny that none of such location notices or claims are valid against this plaintiff, and deny that no rights have accrued to the said defendants, or to any of them, thereunder, either directly or mediately, and deny that no minerals have been discovered, or any minerals have been discovered, on said lands except as hereinbefore stated or except as stated in said Amended Bill of Complaint of the plaintiff; on the contrary, said defendants allege that each and all of said location notices and claims are valid against said plaintiff, and that valid rights have accrued to said defendants and to each of them by virtue of said location notices and claims and by virtue of said continuous occupation, industry and development work

thereunder; and the said defendants deny the assertion of the plaintiff that said claims cast a cloud upon the title of the plaintiff herein or wrongfully interfere with its operation or disposition of said lands, or to the great, irreparable, or any injury of said lands; and said defendants deny that the plaintiff herein is without redress and adequate remedy save by this suit, and deny that this suit is necessary to avoid a multiplicity of actions; and in this behalf the said defendants allege that the plaintiff is not entitled to any redress or any remedy in this action.

X.

Answering paragraph XI of the Amended Bill of Complaint of plaintiff, the said defendants deny that because of the premises of the said Amended Bill of Complaint of the plaintiff, or because of any premises, said defendants, or either of them, have any right, title or interest in or to, or any lien upon, said [33-A] lands, or any part thereof, or any right, title or interest in or to the petroleum, mineral, oil or gas deposited therein, or to any other minerals deposited therein, or any right to extract petroleum, gas or other minerals from said lands, or to convert or dispose of petroleum or gas so extracted, or any other minerals, or any part thereof; and in this behalf the said defendants allege that they, and their assignors and predecessors in interest, have the right, title and interest, possession and lien upon said lands, and all thereof, and in, upon and to all of the petroleum, gas and other minerals deposited in said lands, and the right to convert and dispose of the same. The said defendants deny that the acts of



said defendants and of their assignors and predecessors in interest who have entered upon said lands and who have drilled oil or gas wells thereon, or used or appropriated the petroleum deposited therein, or assumed to sell or convey any interest in and to any part of said lands and any part of the petroleum extracted therefrom, were all, or any thereof, in violation of the laws of the United States, or of the aforesaid order of withdrawal; and said defendants further deny that all of the said acts, or any acts of the said defendants, or their assignors or predecessors in interest, are in violation of the rights of the plaintiff herein; and deny that such acts interfere with the execution by the plaintiff of its public, or any policies with respect to said lands, or with respect to the petroleum or gas or any other minerals contained therein, as set forth in said Amended Bill of Complaint of plaintiff or in anywise or at all.

By way of a further, separate and affirmative answer and defense to the Amended Bill of Complaint of plaintiff herein, these defendants allege that their grantors, assignors and predecessors [34-A] in interest, through whom they have deraigned title, duly located said lands as mining claims on the 14th day of February, 1907, while said lands were unoccupied public lands of the United States, open to exploration and location for minerals under the provisions of the Revised Statutes of the United States and before any withdrawal thereof; and said defendants furthermore allege that they and their assignors and predecessors in interest have held possession and worked the said lands described in said



Amended Bill of Complaint of plaintiff continuously from said last-named date down to the present time; and furthermore allege that they made a valid discovery of mineral, to wit, gypsum, upon said lands in the year 1908; said defendants furthermore allege that they have continuously occupied said lands from the said date of location, and have continuously and uninterruptedly and industriously worked and developed the same in the development and production of oil, gas and petroleum. The said defendants furthermore allege that they and their assignors and predecessors have held and worked the said lands described in said Amended Bill of Complaint of plaintiff, namely, the northwest quarter, and the southeast quarter of section thirty (30), and the northeast quarter and west half of section thirty-two (32), all in township twenty-six (26) south, of range twenty-one (21), east, Mount Diablo meridian, as mining claims for a period equal to the time prescribed by the Statute of Limitations for mining claims of the State of California, in which State the said lands are located, to wit, for the period of five years prior to the commencement of this action, without any adverse claim being made in or to said lands or to any part thereof; and that said defendants, by reason of said fact, are now the true and equitable owners of said lands and entitled to [35-A] patent thereto from the Government of the United States under the provisions of section 2322 of the Revised Statutes of the United States.

And for a further, separate and distinct defense to the cause of action set forth in plaintiff's Bill of

Complaint on file herein said defendants allege that this Court has no jurisdiction to try and determine the matter set forth in said Bill of Complaint or the title to the lands described in said complaint or the right to possession of said lands, and particularly the right, title, interest or claim of said defendants in and to said lands or any part thereof, or their right, title, interest or claim in or to the petroleum, mineral oil or gas deposited therein, or their right to extract petroleum, gas or other minerals from said lands, or their right to convert or dispose of the petroleum or gas so extracted or any part thereof, and in this behalf these defendants allege:

XI.

That the defendant, the Lost Hills Mining Company, was at all the times herein mentioned and now is a corporation organized and existing under the laws of the State of California, and authorized and empowered to locate mining claims upon the public lands of the United States, under the provisions of chapter 6, title 32, of the Revised Statutes of the United States and that Act of Congress of February 11, 1897, chapter 216, entitled "An Act to Authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer mining laws of the United States," and all Acts amendatory thereof and supplementary thereto and under the provisions of said Acts of Congress and said laws of the United States to make application for and obtain patent therefor, and for any other mining claims which may have theretofore been granted, transferred, conveyed, sold and set over to it. [36-A]

## XII.

That the following described land, to wit, the northwest quarter (NW.  $\frac{1}{4}$ ) and to the southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30) and the northeast quarter (NE.  $\frac{1}{4}$ ) and the west half (W.  $\frac{1}{2}$ ) of section thirty-two (32), all in township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, the same being the lands described in plaintiff's amendment to complaint, were on the 14th day of February, 1907, and long prior thereto public lands of the United States open to location and appropriation under the laws of the United States relating to what are usually known as "Placers" or Placer Mining Ground, and as such were chiefly and only valuable for the petroleum and gypsum therein contained, and ever since said 14th day of February, 1907, continuously down to the present date and to the time of the commencement of this action, the disposition of said lands was and now is under the exclusive jurisdiction and control of the General Land Department of the United States, the Honorable Commissioner of the General Land Office and the Honorable Secretary of the Interior.

## XIII.

That on the 13th day of February, 1907, O. D. Barton, J. N. Hoyt, H. J. Light, W. B. Wallace, W. F. Hall, J. W. McCord, J. H. Butts and F. R. Hight, each and all of whom were then and there citizens of the United States, entered upon and took possession of said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, and

duly located the same as a Placer Mining Claim under the laws of the United States relating to the location of lands usually known as "Placers," which said Placer Mining Claim was to be known as the "Lost Hills Placer Mining Claim," and did duly post therein, in accordance with the laws relating thereto, a notice of location and did duly file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly [37-A] recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M. in book 40 of Mineral Records, page 240.

#### XIV.

That thereafter and on the 18th day of March, 1909, said locators made, executed and delivered their deed, wherein and whereby they conveyed said northwest quarter (NW.1/4) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) East, Mount Diablo meridian, to wit, said Lost Hills Placer Mining Claim, and all their right, title and interest therein to said defendant, Lost Hills Mining Company, a corporation.

#### XV.

That ever since said 13th day of February, 1907, the said land has been in the actual, peaceable, open, notorious, continuous, exclusive and undisputed possession of the said defendant, the Lost Hills Mining Company, a corporation, and its predecessors in interest, the locators of said Lost Hills Placer Mining Claim, and that during each year since the said year of 1907 more than One Hundred Dollars (\$100.00)



has been expended upon said land in the way of work and improvements thereon and in the development thereof, and that during all of said time said defendant and its predecessors in interest have been in the diligent prosecution of work leading to the discovery of oil on said land, and that said work was diligently prosecuted until oil was discovered thereon and a well was drilled, producing petroleum at the rate of at least Two Hundred (200) barrels per day; that defendant, Lost Hills Mining Company, a corporation, and its predecessors in interest also discovered upon said land large, valuable and extensive deposits of gypsum of good commercial quality, and that the same has been opened up and developed; that prior to and on the 27th day of September, 1909, at the time when the President of the United States, acting by and through the Secretary of the Interior, attempted to withdraw and reserve said land herein described from mineral exploration, and prior to and at the time of the passage [38-A] and approval of an Act of Congress entitled "An Act to Authorize the President of the United States to make withdrawals of Land in Certain Cases," approved by the President of the United States June 25, 1910, chapter 421, and ever since and continuously up to the present time the said Lost Hills Mining Company has been and now is a *bona fide* occupant and in exclusive possession of the said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range Twenty-one (21) east, Mount Diablo meridian, to wit, said Lost Hills Placer Mining Claim,



under a *bona fide* claim thereto by virtue of the location and work hereinbefore mentioned, and that at all of said times the work of drilling an oil well upon said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, was actually, actively and diligently being carried on upon said land under such *bona fide* claim of title thereto, and was diligently continued to completion, as aforesaid; that applicant herein has expended over Six Hundred Dollars (\$600.00) upon the development of the gypsum deposits upon said land and over the sum of Five Thousand Dollars (\$5,000.00) in drilling said well and in developing oil thereon.

XVI.

That said lands contain no known lodes and are valuable for their placer mineral contents only and have no value for purposes of agriculture or grazing or timber or stone, nor is there any water thereon nor is there any stream of water nor watercourse running through the same.

XVII.

That there are no adverse claims made to said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian.

XVIII.

That thereafter and, to wit, on the 18th day of November, [39-A] 1911, and long prior to the commencement of said above-entitled action the defendant herein, the Lost Hills Mining Company, did duly make and file its application for patent in

the proper Land Office of the United States, to wit, the United States Land Office at Visalia, California, wherein and whereby it did apply to the United States of America, and to the General Land Department thereof, in accordance with the laws of the United States of America and the Regulations of the Department of the Interior in reference thereto, for a patent to said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian; that said application was numbered Mineral Entry No. 03431 and was known as such in said United States Land Office at Visalia, California.

### XIX.

That said application for said patent herein was made for and on behalf of the claimant, the Lost Hills Mining Company, the defendant herein, by O. D. Barton, who was duly designated, authorized and empowered by a resolution of the Directors of said defendant, Lost Hills Mining Company, a corporation, to make on its behalf all necessary affidavits and other papers in writing pertaining to an application by said Company to the United States for a patent to said Lost Hills Placer Mining Claim; that said O. D. Barton was at said time, and now is, a person conversant with all of the facts sought to be established by the affidavits presented in support of said application for patent. That said application for patent was in the form of an affidavit and was accompanied by other affidavits in support thereof; that the said affidavit of application for

patent set forth; the authority of affiant, to wit, said O. D. Barton, to make application for patent to said land for and on behalf of the Lost Hills Mining Company, the company's qualification to make such application and to acquire a patent, the location of said Placer Mining Land with the names of the locators, the transfer by [40-A] the original locators of said land to the said Lost Hills Mining Company, the possession by said Lost Hills Mining Company and of their predecessors in interest continuously from the 13th day of February, 1907, down to the date of making application, the extent of the work done in developing the gypsum and petroleum in said land, the quantity of gypsum and oil that had been developed, the amount of money that had been expended in developing the same, the facts that there were no intervening rights to said land, that the land had no streams or springs of water thereon and no growth of timber thereon, and that the land was of no value for any other purpose than for that of producing gypsum and petroleum, and an application for patent to said lands as the Lost Hills Placer Oil Mining Claim. That with said affidavit of application were filed; (1) a supplemental and corroborative affidavit made by one F. H. Davis, in which he set forth the quantity, quality and value of the gypsum found upon said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, (2) a certified copy of the notice of location of said placer claim, certified by the County Recorder of Kern

County, to be a full, true and correct copy of the original filed for record on the 23d day of February, 1907, at the request of J. N. Hoyt, (3) a certified copy of the Articles of Incorporation of said Lost Hills Mining Company, (4) a certified copy of the resolution appointing the said O. D. Barton to make all papers necessary in connection with said application for patent, (5) an affidavit of said O. D. Barton making proof of improvements upon said land and of the extent thereof and of the quality, quantity and value of the minerals found in and upon said land and the expenditures made in developing the same, (6) the affidavits made by Earl Northrup and J. N. Young, who were disinterested in the application for said patent, wherein and whereby they set forth that they were familiar with said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty (30), township [41-A] twenty-six (26) south, range twenty-one (21) east Mount Diablo meridian, and have been upon and over the same frequently and knew the work and improvements which the said Lost Hills Mining Company had caused to be done and made thereupon, that they had read the said affidavit of said O. D. Barton in reference to the proof of improvements made upon said land and knew the contents thereof, and that said affidavit correctly stated and described the work and improvements upon said land and that the drilling outfit and well mentioned in said affidavit are actually upon the ground that the cost of said work and improvements equal the amount stated in said affidavit of said O. D. Barton, (7) the affidavit of said O. D.



Barton as to the nonexistence of any lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral within the boundaries of said land, and that the said O. D. Barton believed that no such lode or vein existed therein, (8) the affidavits made by Earl Northrup and J. N. Young, who were persons not interested in any way in the land involved in said application for patent, that they were familiar with said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, and that no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral existed within the boundaries of said land and that neither of them believed that said lode or vein existed therein, (9) the affidavit made by W. L. McLaine and F. M. Anderson, each for himself and not one for the other, that he was a citizen of the United States, over the age of twenty-one (21) and was present on the 3d day of November, 1911, when the notice of intention of said Lost Hills Mining Company, a corporation, to make application for United States patent for said Lost Hills Placer Oil Mining Claim embracing said Northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, was posted upon said Lost Hills Placer Oil [42-A] Mining Claim, that said notice was so posted and in such a conspicuous place upon said Placer Oil Mining Claim at and upon the derrick over the oil well upon said claim, that said notice could be easily and read-



ily seen and examined, (10) a copy of said notice of application for patent posted upon said Lost Hills Placer Oil Mining Claim on the 3d day of November, 1911, (11) the contract of the publisher of the Delano Record, wherein and whereby he agreed to publish the notice that the Lost Hills Mining Company, a corporation, had made application for patent to the northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to-wit: said Lost Hills Placer Oil Mining Claim, as required by Act of Congress approved May 10, 1872, and Amendments thereto, and the Acts of Congress relating to the sale and disposition of public lands chiefly valuable for petroleum, situate in the county of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same, and that no claim should be made against the Government of the United States or its officers or agents for such publication, and (12) the authority of the Lost Hills Mining Company, signed by O. D. Barton, authorizing the Register and Receiver of the United States Land Office at Visalia, California, to send notices concerning said application to U. T. Clotfelter, Attorney at Law, 409 Kerckhoff Building, Los Angeles, California, and agreeing that notices so sent should be deemed to be notices to said Lost Hills Mining Company. That all of said affidavits made by O. D. Barton, F. H. Davis, Earl Northrup and J. N. Young were regularly and duly subscribed and sworn to on the 10th day of November, 1911, at

Visalia, California, before D. E. Perkins, who was then and there a Notary Public in and for the county of Tulare, State of California. That the affidavit made by W. L. McLaine and F. M. Anderson was regularly and duly subscribed and sworn to on the 3d day of November, 1911, in the [43-A] county of Kern, State of California, before A. C. Katze, who was then and there a Notary Public in and for the county of Tulare, State of California; that both said D. E. Perkins and A. C. Katze, as such Notaries Public, were authorized to administer oaths to persons making application for patent to mineral lands within the Land District wherein said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Lost Hills Placer Mining Claim, was then and still is situated. That with said application for patent was duly filed an abstract of title made by a duly authorized abstract company, which company was competent to make abstracts of title to lands in Kern County, which said abstract was certified by said abstract company as containing a true and correct memorandum of all instruments filed for record and recorded in the offices of the County Recorder, Clerk, Auditor and Tax Collector of the county of Kern, State of California, which said abstract of title showed and established that the record title to said Lost Hills Placer Mining Claim, according to said records was vested in the Lost Hills Mining Company at the time of making the said application for patent.

## XX.

That upon the filing of said application for patent George W. Stewart, as Register of the United States Land Office at Visalia, California, gave due notice on the 20th day of November, 1911, that said Lost Hills Mining Company had made application for patent to the said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21), east, Mount Diablo meridian, to wit, said Lost Hills Placer Mining Claim as required by the Acts of Congress and the rules and regulations of the Department of the Interior of the United States relating to the sale and disposition of public lands chiefly valuable for petroleum; which said notice was duly published in the "Delano [44-A] Record," which is a weekly newspaper published in the town of Delano, county of Kern, State of California, in each issue of said paper for ten consecutive weeks, the first publication being on the 23d day of November, 1911, and the last publication being on the 25th day of January, 1912, all of which facts appear and due proof thereof was made in the affidavit of C. H. Seiders filed in said application for patent proceedings, Mineral Entry No. 03431, which said affidavit was duly and regularly subscribed and sworn to on the 21st day of February, 1912, before W. B. Timmons, who was then and there a notary public in and for the county of Kern, State of California, and as such was authorized to administer oaths to persons making application for patent to Mineral Lands within the Land District wherein northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty (30),

township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Lost Hills Placer Mining Claim, was then and still is situated; that said "Delano Record" in which said notice was published is a newspaper of established character and general circulation and was designated by said register as the newspaper in which said notice was to be published, and as the newspaper nearest said land.

## XXI.

That thereafter in said proceedings for application for patent, Mineral Entry No. 03431, there was filed affidavit of said O. D. Barton of proof of continuous posting of said notice given by said Lost Hills Mining Company, a corporation of its intention to apply for patent for the said Lost Hills Placer Oil Mining Claim embracing said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, setting fourth that said notice of intention was conspicuously posted upon said claim on the 3d day of November, 1911, as set forth in the affidavits of [45-A] W. L. McLaine and said F. M. Anderson, which said affidavits had been duly filed in the office of the Register of the United States Land Office at Visalia, State of California, and that said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 3d day of November, 1911, A. D., up to and including the 15th day of February, 1912, including the sixty (60) day period during which the notice of said application for patent given



by said George W. Stewart, as Register, as aforesaid, was published, as aforesaid, in said "Delano Record," and also another affidavit of said O. D. Barton, wherein he made a sworn statement of the sums of money paid by said applicant in the prosecution of said application for patent to said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, that said affidavits made by said O. D. Barton were regularly subscribed and sworn to on the 24th day of February, 1912, before E. C. Farnsworth, who was then and there a notary public in and for the county of Tulare, State of California, and as such was authorized to administer oaths to persons applying for patent to the mineral lands in said land district in which said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Lost Hills Placer Mining Claim, was then and now is situated.

## XXII.

That on the 24th day of February, 1912, said Lost Hills Mining Company by said O. D. Barton, its duly authorized agent, under the provisions of the Revised Statutes of the United States, chapter 6, title 32, and the Legislation of Congress supplemental thereto, did make its application in writing to the Register and Receiver of the United States Land office at Visalia, California, [46-A] to purchase said Lost Hills Placer Oil Mining claim, embracing said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty (30), township twenty-six (26) south, range



twenty-one (21) east, Mount Diablo meridian, Kern County, California, containing one hundred and sixty (160) acres, according to the System of Public Land Surveys of the United States, and therein did agree to pay therefor the sum of Four Hundred Dollars (\$400.00), the same being the legal price thereof. That thereafter and on, to wit, the 24th day of February, 1912, the defendant herein, the Lost Hills Mining Company, paid to the plaintiff herein to and through the receiver of public moneys at the United States Land Office at Visalia, California, the sum of Four Hundred and Five Dollars (\$405.00), the same being in full payment for one hundred sixty-one and eighty-five hundredths (161.85) acres, constituting said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21), east, Mount Diablo meridian, and did receive therefor the receipt in duplicate of A. H. Swain, as Receiver of the public moneys in the United States Land Office at Visalia, California, which said receipt was numbered 679,643 and dated February 24, 1912; and the said A. H. Swain, as Receiver of public moneys in the United States Land Office at Visalia, California, did duly issue to said Lost Hills Mining Company, a corporation, the regular and legal receipt in duplicate for said sum of Four Hundred and Five Dollars (\$405.00), and thereupon the Register and Receiver did allow said entry and did forward one of said duplicate receipts with the entire record in said application for patent proceedings to the Honorable Commissioner of the General Land Office, for his inspection and approval,

and said proceedings ever since have been and now are pending before said Honorable Commissioner of said General Land Office.

### XXIII.

That on the 14th day of February, 1907, Adolph Levis [47-A] Wm. Linderman, R. C. Hardin, S. W. Hall, F. T. Hall, W. B. Wallace, Seth Smith and C. A. Butts, each and all of whom were then and there citizens of the United States, entered upon and took possession of said southeast quarter (SE.  $\frac{1}{4}$ ) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, and duly located the same as a Placer Mining Claim under the laws of the United States relating to the location of lands usually known as "Placers," which said placer mining claim was to be known as the "Signal Placer Mining Claim," and did duly post thereon, in accordance with the laws relating thereto, a notice of location and did duly file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M., in book 40 of Mineral Records, page 293.

### XXIV.

That thereafter and on the 18th day of March, 1909, said locators made, executed and delivered their deed, wherein and whereby they conveyed said southeast quarter (SE.  $\frac{1}{4}$ ) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Signal

Placer Mining Claim and all their right, title and interest therein to said defendant, Lost Hills Mining Company, a corporation.

XXV.

That ever since said 14th day of February, 1907, the said land has been in the actual, peaceable, open, notorious, continuous, exclusive and undisputed possession of the said defendant, the Lost Hills Mining Company, a corporation, and its predecessors in interest, the locators of said Signal Placer Mining Claim, and that during each year since the said year of 1907 more than One Hundred Dollars (\$100.00) has been expended [48-A] upon said land in the way of work and improvements thereon and in the development thereof, and that during all of said time said defendant and its predecessors in interest have been in the diligent prosecution of work leading to the discovery of oil on said land, and that said work was diligently prosecuted until oil was discovered thereon and a well was drilled, producing petroleum at the rate of at least two hundred (200) barrels per day; that defendant, Lost Hills Mining Company, a corporation, and its predecessors in interest also discovered upon said land large, valuable and extensive deposits of gypsum of good commercial quality, and that the same has been opened up and developed; that prior to and on the 27th day of September, 1909, at the time when the President of the United States, acting by and through the Secretary of the Interior, attempted to withdraw and reserve said land herein described from mineral exploration, and prior to and at the time of the passage and approval of an Act

of Congress entitled "An Act to Authorize the President of the United States to Make Withdrawals of Land in Certain Cases," approved by the President of the United States June 25, 1910, chapter 421, and ever since and continuously up to the present time the said Lost Hills Mining Company has been and now is a *bona fide* occupant and in exclusive possession of the said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Signal Placer Mining Claim, under a *bona fide* claim hereto by virtue of the location and work hereinbefore mentioned, and that at all of said times the work of drilling an oil well upon said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, was actually, actively and diligently being carried on upon said land under such *bona fide* claim of title thereto, and diligently continued to [49-A] Completion, as aforesaid; that applicant herein has expended over One Thousand Dollars (\$1,000.00) upon the development of the gypsum deposits upon said land and over the sum of Ten Thousand Dollars (\$10,000.00) in drilling said well and in developing oil thereon;

#### XXVI.

That said lands contained no known lodes and are valuable for their placer mineral contents only and have no value for purposes of agriculture or grazing or timber or stone, nor is there any water thereon nor is there any stream of water nor watercourse running through the same.



## XXVII.

That there are no adverse claims made to said southeast quarter (SE.  $\frac{1}{4}$ ) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian.

## XXVIII.

That thereafter and, to wit, on the 18th day of November, 1911, and long prior to the commencement of said above-entitled action the defendant herein, the Lost Hills Mining Company, did duly make and file its application for patent in the proper Land Office of the United States, to wit, the United States Land Office at Visalia, California, wherein and whereby it did apply to the United States of America and to the General Land Department thereof, in accordance with the laws of the United States of America and the Regulations of the Department of the Interior in reference thereto, for a patent to said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian; that said application was numbered Mineral Entry No. 03432 and was known as such in said United States Land Office at Visalia, California. [50-A]

## XXIX.

That said application for said patent herein was made for and on behalf of the claimant, the Lost Hills Mining Company, the defendant herein, by O. D. Barton, who was duly designated, authorized and empowered by a resolution of the directors of said defendant, Lost Hills Mining Company, a corporation, to make on its behalf all necessary affidavits



and other papers in writing pertaining to an application by said company to the United States for a patent to said Signal Placer Mining Claim; that said O. D. Barton was at said time, and now is, a person conversant with all of the facts sought to be established by the affidavits presented in support of said application for patent. That said application for patent was in the form of an affidavit and was accompanied by other affidavits in support thereof; that the said affidavit of application for patent set forth: the authority of affiant, to wit, said O. D. Barton, to make application for patent to said land for and on behalf of the Lost Hills Mining Company, the company's qualification to make such application and to acquire a patent, the location of said Placer Mining Land with the names of the locators, the transfer by the original locators of said land to the said Lost Hills Mining Company, the possession by said Lost Hills Mining Company and of their predecessors in interest continuously from the 14th day of February, 1907, down to the date of making application, the extent of the work done in developing the gypsum and petroleum in said land, the quantity of gypsum and oil that had been developed, the amount of money that had been expended in developing the same, the facts that there were no intervening rights to said land, that the land had no streams or springs of water thereon and no growth of timber thereon, and that the land was of no value for any other purpose than for that of producing gypsum and petroleum, and an application [51-A] for patent to said lands as the Signal Placer Mining Claim. That with

said affidavit of application were filed: (1) a supplemental and corroborative affidavit made by one F. H. Davis, in which he set forth the quantity, quality and value of the gypsum found upon said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, (2) a certified copy of the notice of location of said placer claim, certified by the county recorder of Kern County, to be a full, true and correct copy of the original filed for record on the 23d day of February, 1907, at the request of J. N. Hoyt, (3) a certified copy of the Articles of Incorporation of said Lost Hills Mining Company, (4) a certified copy of the resolution appointing the said O. D. Barton to make all papers necessary in connection with said application for patent, (5) an affidavit of said O. D. Barton making proof of improvements upon said land and of the extent thereof and of the quality, quantity and value of the minerals found in and upon said land and the expenditures made in developing the same, (6) the affidavits made by Earl Northrup and J. N. Young, who were disinterested in the application for said patent, wherein and whereby they set forth that they were familiar with said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, and have been upon and over the same frequently and knew the work and improvements which the said Lost Hills Mining Company had caused to be done and made thereupon, that they had read the said affidavit of said O. D. Barton in reference to the

proof of improvements made upon said land and knew the contents thereof, and that said affidavit correctly stated and described the work and improvements upon said land and that the drilling outfit and well mentioned in said affidavit are actually upon the ground and that the cost of said [52-A] work and improvements equaled the amount stated in said affidavit of said O. D. Barton, (7) the affidavit of said O. D. Barton as to the nonexistence of any lode or vein or quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral within the boundaries of said land, and that the said O. D. Barton believed that no such lode or vein existed thereon, (8) the affidavits made by Earl Northrup and J. N. Young, who were persons not interested in any way in the land involved in said application for patent, that they were familiar with said southeast (SE.  $\frac{1}{4}$ ) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, and that no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral existed within the boundaries of said land and that neither of them believed that said lode or vein existed therein, (9) the affidavit made by W. L. McLaine and F. M. Anderson, each for himself and not one for the other, that he was a citizen of the United States, over the age of twenty-one (21) and was present on the 3d day of November, 1911, when the notice of intention of said Lost Hills Mining Company, a corporation, to make application for United States patent for said Signal Placer Mining Claim embracing said southeast quarter

(SE.  $\frac{1}{4}$ ) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, was posted upon said Signal Placer Mining Claim, that said notice was so posted and in such a conspicuous place upon said Placer Oil Mining Claim at and upon the derrick over the said claim, that said notice could be easily and readily seen and examined, (10) a copy of said notice of application for patent posted upon said Signal Placer Mining Claim on the 3d day of November, 1911, (11) the contract of the publisher of the "Delano Record," wherein and whereby he agreed to publish the notice that the Lost Hills Mining Company, a corporation, had made application for patent to the southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30), [53-A] township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Signal Placer Mining Claim, as required by Act of Congress approved May 10, 1872, and Amendments thereto, and the Acts of Congress relating to the sale and disposition of public lands chiefly valuable for petroleum, situate in the county of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same, and that no claim should be made against the Government of the United States or its officers or agents for such publication, and (12) the authority of the Lost Hills Mining Company, signed by O. D. Barton, authorizing the Register and Receiver of the United States Land Office at Visalia, California, to send notices concerning said application to U. T. Clotfelter, Attorney at



Law, 409 Kerkhoff Building, Los Angeles, California, and agreeing that notices so sent should be deemed to be notices to said Lost Hills Mining Company. That all of said affidavits made by O. D. Barton, F. H. Davis, Earl Northrup and J. N. Young were regularly and duly subscribed and sworn to on the 10th day of November, 1911, at Visalia, California, before D. E. Perkins, who was then and there a Notary Public in and for the County of Tulare, State of California. That the affidavit made by W. L. McLaine and F. M. *Ander-* was regularly and duly subscribed and sworn to on the 3d day of November, 1911, in the county of Kern, State of California, before A. C. Katze, who was then and there a notary public in and for the county of Tulare, State of California; that both said D. E. Perkins and A. C. Katze, as such notaries public, were authorized to administer oaths to persons making application for patent to mineral lands within the land district wherein said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Signal Placer Mining Claim, was then and still is situated. That with said [54-A] application for patent was duly filed an abstract of title made by a duly authorized abstract company, which company was competent to make abstracts of title to lands in Kern County, which said abstract was certified by said abstract company as containing a true and correct memorandum of all instruments filed for record and recorded in the offices of the County Recorder, Clerk, Auditor and Tax Collector of the county of Kern,



State of California, which said abstract of title showed and established that the record title to said Signal Placer Mining Claim, according to said records was vested in the Lost Hills Mining Company at the time of making the said application for patent.

XXX.

That upon the filing of said application for patent George W. Stewart, as Register of the United States Land Office at Visalia, California, gave due notice on the 20th day of November, 1911, that said Lost Hills Mining Company had made application for patent to the said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Signal Placer Mining Claim as required by the Acts of Congress and the rules and regulations of the Department of the Interior of the United States relating to the sale and disposition of public lands chiefly valuable for petroleum; which said notice was published in the "Delano Record," which is a weekly newspaper published in the town of Delano, county of Kern, State of California, in each issue of said paper for ten consecutive weeks, the first publication being on the 23d day of November, 1911, and the last publication being on the 25th day of January, 1912, all of which facts appear and due proof thereof was made in the affidavit of C. H. Seiders filed in said application for patent proceedings, Mineral Entry No. 03432, which said affidavit was duly and regularly subscribed and sworn to on the 21st day of February, 1912, before W. B. Timmons, who was [55-A] then and there a notary

public in and for the county of Kern, State of California, and as such was authorized to administer oaths to persons making application for patent to mineral lands within the land district wherein southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Signal Placer Mining Claim, was then and still is situated. That said "Delano Record" in which said notice was published is a newspaper of established character and general circulation and was designated by said Register as the newspaper in which said notice was to be published, and as the newspaper nearest said land.

### XXXI.

That thereafter in said proceedings for application for patent, Mineral Entry No. 03432 there was filed affidavit of said O. D. Barton of proof of continuous posting of said notice given by said Lost Hills Mining Company, a corporation, of its intention to apply for patent for the said Signal Placer Mining Claim embracing said southeast quarter (SE.  $\frac{1}{4}$ ) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, setting forth that said notice of intention was conspicuously posted upon said claim on the 3d day of November, 1911, as set forth in the affidavits of W. L. McLaine and said F. M. Anderson, which said affidavits had been duly filed in the office of the Register of the United States Land Office at Visalia, in the State of California, and that said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 3d

day of November, 1911, A. D., up to and including the 15th day of February, 1912, including the sixty (60) day period during which the notice of said application for patent given by said George W. Stewart, as Register, as aforesaid, was published, as aforesaid, in said "Delano Record," and also another affidavit of said O. D. Barton, wherein he made a sworn statement of the sums [56-A] of money paid by said applicant in the prosecution of said application for patent to said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, that said affidavits made by said O. D. Barton were regularly subscribed and sworn to on the 24th day of February, 1912, before E. C. Farnsworth, who was then and there a Notary Public in and for the county of Tulare, State of California, and as such was authorized to administer oaths to persons applying for patent to the mineral lands in said land district in which said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Signal Placer Mining Claim, was then and now is situated.

### XXXII.

That on the 24th day of February, 1912, said Lost Hills Mining Company by said O. D. Barton, its duly authorized agent, under the provisions of the Revised Statutes of the United States, chapter 6, title 32, and the legislation of Congress supplemental thereto, did make its application in writing to the Register and Receiver of the United States Land

Office at Visalia, California, to purchase said Signal Placer Mining Claim, embracing said southeast quarter (SE.  $\frac{1}{4}$ ) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, Kern County, California, containing one hundred and sixty (160) acres, according to the system of public land surveys of the United States, and therein did agree to pay therefor the sum of Four Hundred Dollars (\$400.00) the same being the legal price thereof. That thereafter and on, to wit, the 24th day of February, 1912, the defendant herein, the said Lost Hills Mining Company, paid to the plaintiff herein to and through the Receiver of public moneys at the United States Land Office at Visalia, [57-A] California, the sum of Four Hundred Dollars (\$400.00), the same being in full payment for one hundred and sixty (160) acres, constituting said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, and did receive therefor the receipt in duplicate of A. H. Swain, as Receiver of the public moneys in the United States Land Office at Visalia, California, which said receipt was numbered 679,644, and dated February 24, 1912; and the said A. H. Swain, as Receiver of public moneys in the United States Land Office at Visalia, California, did duly issue to said Lost Hills Mining Company, a corporation, the regular and legal receipt in duplicate for said sum of Four Hundred Dollars (\$400.00), and thereupon the Register and Receiver did allow said entry and did forward one of said duplicate receipts with the en-



tire record in said application for patent proceedings to the Commissioner of the General Land Office, for his inspection and approval, and said proceedings ever since have been and now are pending before said Commissioner of said General Land Office.

### XXXIII.

That on the 14th day of February, 1907, H. Widmer, J. H. Butts, J. W. McCord, J. N. Hoyt, J. Gillespie, A. R. Orr, H. J. Light and W. B. Wallace, each and all of whom were then and there citizens of the United States, entered upon and took possession of said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, and duly located the same as a Placer Mining Claim under the laws of the United States relating to the location of lands usually known as "Placers," which said Placer Mining Claim was to be *be* known as the "Petroleum Placer Mining Claim," and did duly post thereon, in accordance with the laws relating thereto, a notice of location and did duly file for record in the office of [58-A] the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock, A. M., in book 40 of Mineral Records, page 292.

### XXXIV.

That thereafter and on the 18th day of March, 1909, said locators made, executed and delivered their deed, wherein and whereby they conveyed said northwest quarter (NW.  $\frac{1}{4}$ ) of said Section thirty-



two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Petroleum Placer Mining Claim and all their right, title and interest therein to said defendant, Lost Hills Mining Company, a corporation.

XXXV.

That ever since said 14th day of February, 1907, the said land has been in the actual, peaceable, open, notorious, continuous, exclusive and undisputed possession of the said defendant, the Lost Hills Mining Company, a corporation, and its predecessors in interest the locators of said Petroleum Placer Mining Claim, and that during each year since the said year of 1907 more than One Hundred Dollars (\$100.00) has been expended upon said land in the way of work and improvements thereon and in the development thereof, and that during all of said time said defendant and its predecessors in interest have been in the diligent prosecution of work leading to the discovery of oil on said land, and that said work was diligently prosecuted until oil was discovered thereon and a well was drilled, producing petroleum at the rate of about one hundred (100) barrels per day; that defendant, Lost Hills Mining Company, a corporation, and its predecessors in interest also discovered upon said land large, valuable and extensive deposits of gypsum of good commercial quality, and that the same has been opened up and developed; that prior to and on the 27th [59-A] day of September, 1909, at the time when the President of the United States, acting by and through the Secretary of the Interior, attempted to withdraw and reserve said

land herein described from mineral exploration, and prior to and at the time of the passage and approval of an Act of Congress entitled "An Act to Authorize the President of the United States to Make Withdrawals of Land in Certain Cases," approved by the President of the United States June 25, 1910, chapter 421, and ever since and continuously up to the present time the said Lost Hills Mining Company has been and now is a *bona fide* occupant and in exclusive possession of the said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Petroleum Placer Mining Claim, under a *bona fide* claim thereto by virtue of the location and work hereinbefore mentioned, and that at all of said times the work of drilling an oil well upon said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, was actually, actively and diligently being carried on upon said land under such *bona fide* claim of title thereto, and was diligently continued to completion, as aforesaid: that applicant herein has expended over Seven Hundred Dollars (\$700.00) upon the development of the gypsum deposits upon said land and over the sum of Nine Thousand Dollars (\$9,000.00) in drilling said well and in developing oil thereon;

## XXXVI.

That said lands contain no known lodes and are valuable for their placer mineral contents only and have no value for purposes of agriculture or grazing

or timber or stone, nor is there any water thereon nor is there any stream of water nor watercourse running through the same. [60-A]

### XXXVII.

That there are no adverse claims made to said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian.

### XXXVIII.

That thereafter and, to wit, on the 25th day of November, 1911, and long prior to the commencement of said above-entitled action, the defendant herein, the Lost Hills Mining Company, did duly make and file its application for patent in the proper Land Office of the United States, to wit, the United States Land Office at Visalia, California, wherein and whereby it did apply to the United States of America and to the General Land Department thereof, in accordance with the laws of the United States of America and the Regulations of the Department of the Interior in reference thereto, for a patent to said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south range twenty-one (21) east, Mount Diabale meridian; that said application was numbered Mineral Entry No. 03448 and was known as such in said United States Land Office at Visalia, California.

### XXXIX.

That said application for said patent herein was made for and on behalf of the claimant, the Lost Hills Mining Company, the defendant herein, by O. D. Barton, who was duly designated, authorized

and empowered by a resolution of the directors of said defendant, Lost Hills Mining Company, a corporation, to make on its behalf all necessary affidavits and other papers in writing pertaining to an application by said company to the United States for a patent to said Petroleum Placer Mining Claim; that said O. D. Barton was at said time, and now is, a person conversant with all of the facts sought to be established by the affidavits presented in support of said application for patent. [61-A] That said application for patent was in the form of an affidavit and was accompanied by other affidavits in support thereof, that the said affidavit of application for patent set forth: the authority of affiant, to wit, said O. D. Barton, to make application for patent to said land for and on behalf of the Lost Hills Mining Company, the company's qualification to make such application and to acquire a patent, the location of said Placer Mining Land with the names of the locators, the transfer by the original locators of said land to the said Lost Hills Mining Company, the possession by said Lost Hills Mining Company and of their predecessors in interest continuously from the 14th day of February, 1907, down to the date of making application, the extent of the work done in developing the gypsum and petroleum in said land, the quantity of gypsum and oil that had been developed, the amount of money that had been expended in developing the same, the facts that there were no intervening rights to said land, that the land had no streams or springs of water thereon and no growth of timber thereon, and



that the land was of no value for any other purpose than for that of producing gypsum and petroleum, and an application for patent to said lands as the Petroleum Placer Mining Claim. That with said affidavit of application were filed: (1) a supplemental and corroborative affidavit made by one F. H. Davis, in which he set forth the quantity, quality and value of the gypsum found upon said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, (2) a certified copy of the notice of location of said placer claim, certified by the County Recorder of Kern County, to be a full, true and correct copy of the original filed for record on the 23d day of February, 1907, at the request of J. N. Hoyt, (3) a certified copy of the Articles of Incorporation of said Lost Hills Mining Company, (4) a certified [62-A] copy of the resolution appointing the said O. D. Barton to make all papers necessary in connection with said application for patent, (5) an affidavit of said O. D. Barton making proof of improvements upon said land and of the extent thereof and of the quality, quantity and value of the minerals found in and upon said land and the expenditures made in developing the same, (6) the affidavits made by Earl Northrup and J. N. Young, who were disinterested in the application for said patent, wherein and whereby they set forth that they were familiar with said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian,



and have been upon and over the same frequently and knew the work and improvements which the said Lost Hills Mining Company had caused to be done and made thereupon, that they had read the said affidavit of said O. D. Barton in reference to the proof of improvements made upon said land and knew the contents thereof, and that said affidavit correctly stated and described the work and improvements upon said land and that the drilling outfit and well mentioned in said affidavit are actually upon the ground and that the cost of said work and improvements equaled the amount stated in affidavit of said O. D. Barton, (7) the affidavit of said O. D. Barton as to the nonexistence of any lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral within the boundaries of said land, and that the said O. D. Barton believed that no such lode or vein existed therein, (8) the affidavits made by Earl Northrup and J. N. Young, who were persons not interested in any way in the land involved in said application for patent, that they were familiar with said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, and that no known lode or vein of quartz or other rock in place bearing gold [63-A] silver, copper, cinnabar or other mineral existed within the boundaries of said land and that neither of them believed that said lode or vein existed therein, (9) the affidavit made by F. H. Davis and Chester H. Miller, each for himself and not one for the other, that he was a citizen of the United States,

over the age of twenty-one (21), and was present on the 10th day of November, 1911, when the notice of intention of said Lost Hills Mining Company, a corporation, to make application for United States patent for said Petroleum Placer Mining Claim embracing said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, was duly posted upon said Petroleum Placer Mining Claim, that said notice was so posted and in such a conspicuous place upon said claim at and upon the derrick over the oil well upon said claim, that said notice could be easily and readily seen and examined, (10) a copy of said notice of application for patent posted upon said Petroleum Placer Mining Claim of the 10th day of November, 1911, (11) the contract of the publisher of the "Delano Record," wherein and whereby he agreed to publish the notice that the Lost Hills Mining Company, a corporation, had made application for patent to the northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Petroleum Placer Mining Claim, as required by Act of Congress approved May 10, 1872, and amendments thereto, and the Acts of Congress relating to the sale and disposition of public lands chiefly valuable for petroleum, situate in the county of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same, and that no claim should be made against the Government

of the United States or its officers or agents for such publication, and (12) the authority of the Lost Hills Mining Company, signed by O. D. Barton, [64-A] authorizing the Register and Receiver of the United States Land Office at Visalia, California, to send notices concerning said application to U. T. Clotfelter, Attorney at Law, 409 Kerckhoff Building, Los Angeles, California, and agreeing that notices so sent should be deemed to be notices to said Lost Hills Mining Company. That all of said affidavits made by O. D. Barton, Earl Northrup, J. N. Young and said above (1) supplemental and corroborative affidavit made by F. H. Davis were regularly and duly subscribed and sworn to on the 10th day of November, 1911, at Visalia, California, before D. E. Perkins, who was then and there a notary public in and for the county of Tulare, State of California. That said above (9) affidavit of posting notice of intention made by F. H. Davis and Chester H. Miller was regularly and duly subscribed and sworn to on the 10th day of November, 1911, in the county of Kern, State of California, before John T. Green, who was then and there a notary public in and for the county of Kern, State of California; that both said D. E. Perkins and John T. Green, as such notaries public, were authorized to administer oaths to persons making application for patent to mineral lands within the Land District wherein said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, Petroleum Placer Mining Claim, was then and still is situated.

That with said application for patent was duly filed an abstract of title made by a duly authorized abstract company, which company was competent to make abstracts of title to lands in Kern County, which said abstract was certified by said abstract company as containing a true and correct memorandum of all instruments filed for record and recorded in the offices of the County Recorder, Clerk, Auditor and Tax Collector of the county of Kern, State of California, which said abstract of title showed and established that the record title to said Petroleum Placer Mining Claim, [65-A] according to said records was vested in the Lost Hills Mining Company at the time of making the said application for patent.

#### XL.

That upon the filing of said application for patent George W. Stewart, as Register of the United States Land Office at Visalia, California, gave due notice on the 2d day of December, 1911, that Lost Hills Mining Company had made application for patent to the northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Petroleum Placer Mining Claim as required by the Acts of Congress and the rules and regulations of the Department of the Interior of the United States, relating to the sale and disposition of public lands chiefly valuable for petroleum; which said notice was published in the "Delano Record," which is a weekly newspaper published in the town of Delano, county of Kern, State of California, in



each issue of said paper for ten consecutive weeks, the first publication being on the 7th day of December, 1911, and the last publication being on the 8th day of February, 1912, all of which facts appear and due proof thereof was made in the affidavit of C. H. Seiders filed in said application for patent proceedings, Mineral Entry No. 03448, which said affidavit was duly and regularly subscribed and sworn to on the 21st day of February, 1912, before W. B. Timmons, who was then and there a notary public in and for the county of Kern, State of California, and as such was authorized to administer oaths to persons making application for patent to Mineral Lands within the Land District wherein northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit: Petroleum Placer Mining Claim, was then and still is situated. That said "Delano Record" in which said notice was published is a newspaper [66-A] of established character and general circulation and was designed by said Register as the newspaper in which said notice was to be published, and as the newspaper nearest said land.

### XLI.

That thereafter in said proceedings for application for patent, Mineral Entry No. 03448, there was filed affidavit of said O. D. Barton of proof of continuous posting of said notice given by said Lost Hills Mining Company, a corporation, of its intention to apply for patent for the said Petroleum Placer Mining Claim embracing said northwest



quarter (NW.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, setting forth that said notice of intention was conspicuously and duly posted upon said claim on the 10th day of November, 1911, as set forth in the affidavits of F. H. Davis and said Chester H. Miller, which said affidavit had been duly filed in the office of the Register of the United States Land Office at Visalia, State of California, and that said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 10th day of November, 1911, A. D., up to and including the 15th day of February, 1912, including the sixty (60) day period during which the notice of said application for patent given by said George W. Stewart, as Register, as aforesaid, was published, as aforesaid, in said "Delano Record," and also another affidavit of said O. D. Barton, wherein he made a sworn statement of the sums of money paid by said applicant in the prosecution of said application for patent to said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian; that said affidavits made by said O. D. Barton were regularly subscribed and sworn to on the 24th day of February, 1912, before E. C. Farnsworth, who was then and there a notary public in and for the County of Tulare, State of California, and as such was [67-A] authorized to administer oaths to persons applying for patent to the Mineral Lands in said Land District in which said northwest quarter

(NW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Petroleum Placer Mining Claim, was then and now is situated.

XLII.

That on the 24th day of February, 1912, said Lost Hills Mining Company by said O. D. Barton, its duly authorized agent, under the provisions of the Revised Statutes of the United States, chapter 6, title 32, and the Legislation of Congress supplemental thereto, did make its application in writing to the Register and Receiver of the United States Land Office at Visalia, California, to purchase said Petroleum Placer Mining Claim, embracing said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, Kern County, California, containing one hundred sixty (160) acres, according to the System of Public Land Surveys of the United States, and therein did agree to pay therefor the sum of Four Hundred Dollars (\$400.00), the same being the legal price thereof. That thereafter and on, to wit, the 24th day of February, 1912, the defendant herein, the Lost Hills Mining Company, paid to the plaintiff herein to and through the Receiver of public moneys at the United States Land Office at Visalia, California, the sum of Four Hundred Dollars (\$400.00), the same being in full payment for one hundred and sixty (160) acres, constituting said northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo

meridian, and did receive therefor the receipt in duplicate of A. H. Swain, as Receiver of the public moneys in the United States Land Office at Visalia, California, which said receipt was numbered 679,645 and dated February 24, 1912; and the said A. H. Swain, as Receiver of [68-A] public moneys in the United States Land Office at Visalia, California, did duly issue to said Lost Hills Mining Company, a corporation, the regular and legal receipt in duplicate for said sum of Four Hundred Dollars (\$400.00), and thereupon the Register and Receiver did allow said entry and did forward one of said duplicate receipts with the entire record in said application for patent proceedings to the Commissioner of the General Land Office, for his inspection and approval, and said proceedings ever since have been and now are pending before said Commissioner of said General Land Office.

#### XLIII.

That on the 14th day of February, 1907, H. J. Hoyt, F. R. Hight, L. M. Fredricks, A. R. Orr, H. Widmer, C. A. Butts, Sarah McCord and W. B. Wallace, each and all of whom were then and there citizens of the United States, entered upon and took possession of said northeast quarter (NE.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, and duly located the same as a Placer Mining Claim under the laws of the United States relating to the location of lands usually known as "Placers," which said Placer Mining Claim was to be known as the "Eagle Placer Min-

ing Claim," and did duly post thereon, in accordance with the laws relating thereto, a notice of location and did duly file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M., in book 40 of Mineral Records, page 287.

XLIV.

That thereafter and on the 18th day of March, 1909, said locators made, executed and delivered their deed, wherein and whereby they conveyed said northeast quarter (NE.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one [69-A] (21) east, Mount Diablo meridian, to wit, said Eagle Placer Mining Claim and all their right, title and interest therein to said defendant, Lost Hills Mining Company, a corporation.

XLV.

That ever since said 14th day of February, 1907, the said land has been in the actual, peaceable, open, notorious, continuous, exclusive and undisputed possession of the said defendant, the Lost Hills Mining Company, a corporation, and its predecessors in interest, the locators of said Eagle Placer Mining Claim, and that during each year since the said year of 1907 more than One Hundred Dollars (\$100.00) has been expended upon said land in the way of work and improvements thereon and in the development thereof, and that during all of said time since defendant and its predecessors in inter-



est have been in the diligent prosecution of work leading to the discovery of oil on said land, and that said work was diligently prosecuted until oil was discovered thereon and a well was drilled, producing petroleum at the rate of at least seven hundred and fifty (750) barrels per day; that defendant, Lost Hills Mining Company, a corporation, and its predecessors in interest also discovered upon said land large, valuable and extensive deposits of gypsum of good commercial quality, and that the same has been opened up and developed; that prior to and on the 27th day of September, 1909, at the time when the President of the United States, acting by and through the Secretary of the Interior, attempted to withdraw and reserve said land herein described from mineral exploration, and prior to and at the time of the passage and approval of an Act of Congress entitled "An Act to Authorize the President of the United States to Make Withdrawals of Land in Certain Cases," approved by the President of the United States June 25, 1910, chapter 421, and ever since and continuously up to the present time the said Lost Hills Mining Company has been and now is a *bona fide* occupant and [70-A] in exclusive possession of the said northeast quarter (NE.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Eagle Placer Mining Claim, under a *bona fide* claim thereto by virtue of the location and work hereinbefore mentioned, and that at all of said times the work of drilling an oil well upon said northeast quarter (NE.  $\frac{1}{4}$ ) of section *thirty*



(32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, was actually, actively and diligently being carried on upon said land under such *bona fide* claim of title thereto, and was diligently continued to completion, as afore-said; that applicant herein has expended over Eight Hundred Dollars (\$800.00) upon the development of the gypsum deposits upon said land and over the sum of Ten Thousand Dollars (\$10,000.00) in drilling said well and in developing oil thereon;

XLVI.

That said lands contain no known lode and are valuable for their placer mineral contents only and have no value for purposes of agriculture or grazing or timber or stone, nor is there any water thereon nor is there any stream of water nor watercourse running through the same.

XLVII.

That there are no adverse claims made to said northeast quarter (NE.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one east, Mount Diablo meridian.

XLVIII.

That thereafter and, to wit, on the 2d day of December, 1911, and long prior to the commencement of said above-entitled action, the defendant herein, the Lost Hills Mining Company, did duly make and file its application for patent in the proper Land Office of the United States, to wit, the United States Land Office [71-A] at Visalia, California, wherein and whereby it did apply to the United States of America and to the General Land Depart-

ment thereof, in accordance with the laws of the United States of America and the Regulations of the Department of the Interior in reference thereto, for a patent to said northeast quarter (NE.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian; that said application was numbered Mineral Entry No. 03457 and was known as such in said United States Land Office at Visalia, California.

XLIX.

That said application for said patent herein was made for and on behalf of the claimant, the Lost Hills Mining Company, the defendant herein, by O. D. Barton, who was duly designated, authorized and empowered by a resolution of the directors of said defendant, Lost Hills Mining Company, a corporation, to make on its behalf all necessary affidavits and other papers in writing pertaining to an application by said company to the United States for a patent to said Eagle Placer Mining Claim; that said O. D. Barton was at said time, and now is, a person conversant with all of the facts sought to be established by the affidavits presented in support of said application for patent. That said application for patent was in the form of an affidavit and was accompanied by other affidavits in support thereof; the authority of affiant, to wit; said O. D. Barton, to make application for patent to said land for and on behalf of said Lost Hills Mining Company, the company's qualification to make such application and to acquire a patent, the location of said Placer Mining Land with the names of the locators, the transfer by

the original locators of said land to the said Lost Hills Mining Company, the possession by said Lost Hills Mining Company and of their predecessors in interest [72-A] continuously from the 14th day of February, 1907, down to the date of making application, the extent of the work done in developing the gypsum and petroleum in said land, the quantity of gypsum and oil that had been developed, the amount of money that had been expended in developing the same, the facts that applicant was a *bona fide* occupant and claimant to said land, that the land had no streams or springs of water thereon and no growth of timber thereon, and that the land was of no value for any other purpose than for that of producing gypsum and petroleum, and an application for patent to said lands as the Eagle Placer Mining Claim. That with said affidavit of application were filed: (1) a supplemental and corroborative affidavit made by one F. H. Davis, in which he set forth the quantity, quality and value of the gypsum found upon said northeast quarter (NE.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, (2) a certified copy of the notice of location of said placer claim, certified by the County Recorder of Kern County, to be a full, true and correct copy of the original filed for record on the 23d day of February, 1907, at the request of J. N. Hoyt, (3) a certified copy of the Articles of Incorporation of said Lost Hills Mining Company, (4) a certified copy of the resolution appointing the said O. D. Barton to make all papers necessary in connection with said appli-

cation for patent, (5) an affidavit of said O. D. Barton making proof of improvements upon said land and of the extent thereof and of the quality, quantity and value of the minerals found in and upon said land and the expenditures made in developing the same, (6) the affidavits made by Earl Northrup and Nate Cahn, who were disinterested in the application for said patent, wherein and whereby they set forth that they were familiar with said northeast quarter [73-A] (NE.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, and have been upon and over the same frequently and knew the work and improvements which the said Lost Hills Mining Company had caused to be done and made thereupon, that they had read the said affidavit of said O. D. Barton in reference to the proof of improvements made upon said land and knew the contents thereof, and that said affidavit correctly stated and described the work and improvements upon said land and that the drilling outfit and well mentioned in said affidavit are actually upon the ground and that the costs of said work and improvements equaled the amount stated in said affidavit of said O. D. Barton, (7) the affidavit of said O. D. Barton as to the nonexistence of any lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral within the boundaries of said land, and that the said O. D. Barton believed that no such lode or vein existed therein, (8) the affidavits made by Earl Northrup and Nate Cahn, who were persons not interested in any way in the land involved in said ap-



plication for patent, that they were familiar with said northeast quarter (NE.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, and that no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral existed within the boundaries of said land and that neither of them believed that said lode or vein existed therein, (9) the affidavit made by F. H. Davis and Chester H. Miller, each for himself and not one for the other, that he was a citizen of the United States, over the age of twenty-one (21) and was present on the 10th day of November, 1911, when the notice of intention of said Lost Hills Mining Company, a corporation, to make application for United States patent for said Eagle Placer Mining Claim embracing said northeast quarter (NE.  $\frac{1}{4}$ ) of said section thirty-two (32), [74-A] township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian was duly posted upon said Eagle Placer Mining Claim, that said notice was so posted and such a conspicuous place upon said Placer Mining Claim at and upon the derrick over the oil well upon said claim, that said notice could be easily and readily seen and examined, (10) a copy of said notice of application for patent posted upon said Eagle Placer Mining Claim on the 10th day of November, 1911, (11) the contract of the publisher of the "Delano Record," wherein and whereby he agreed to publish the notice that the Lost Hills Mining Company, a corporation, had made application for patent to the northeast quarter (NE.  $\frac{1}{4}$ ) of section



thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit; said Eagle Placer Mining Claim, as required by Act of Congress approved May 10, 1872, and Amendments thereto, and the Acts of Congress relating to the sale and disposition of public lands chiefly valuable for petroleum, situate in the county of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same, and that no claim should be made against the Government of the United States or its officers or agents for such publication, and (12) the authority of the Lost Hills Mining Company, signed by O. D. Barton, authorizing the Register and Receiver of the United States Land Office at Visalia, California, to send notices concerning said application to U. T. Clotfelter, Attorney at Law, 409 Kerckhoff Building, Los Angeles, California, and agreeing that notices so sent should be deemed to be notices to said Lost Hills Mining Company. That all of said affidavits made by O. D. Barton, Earl Northrup, Nate Cahn and said above (1) supplemental and corroborative affidavit made by said F. H. Davis were regularly and duly subscribed and sworn to on the 10th day of November, 1911, at Visalia, California, [75-A] before D. E. Perkins, who was then and there a notary public in and for the county of Tulare, State of California. That said above (9) affidavit as to posting of notice of intention to apply for patent made by F. H. Davis and Chester H. Miller was regularly and duly subscribed and sworn to on the 10th day of

November, 1911, in the county of Kern, State of California, before John T. Green, who was then and there a notary public in and for the county of Tulare, State of California; that both said D. E. Perkins and John T. Green, as such Notaries Public, were authorized to administer oaths to persons making application for patent to mineral lands within the land district wherein said northeast quarter (NE.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit; Eagle Placer Mining Claim, was then and still is situated. That with said application for patent was duly filed an abstract of title made by a duly authorized abstract company, which company was competent to make abstracts of title to lands in Kern County, which said abstract was certified by said abstract company as containing a true and correct memorandum of all instruments filed for record and recorded in the offices of the County Recorder, Clerk, Auditor and Tax Collector of the county of Kern, State of California, which said abstract of title showed and established that the record title to said Eagle Placer Mining Claim, according to said records was vested in the Lost Hills Mining Company at the time of making the said application for patent.

L.

That upon the filing of said application for patent George W. Stewart, as Register of the United States Land Office at Visalia, California, gave notice on the 2d day of December, 1911, that Lost Hills Mining Company had made application for patent to the

said northeast quarter (NE $\frac{1}{4}$ ) of section thirty-two (32), [76-A] township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Eagle Placer Mining Claim as required by the Acts of Congress and the rules and regulations of the Department of the Interior of the United States relating to the sale and disposition of public lands chiefly valuable for petroleum; which said notice was duly published in the "Delano Record," which is a weekly newspaper published in the town of Delano, county of Kern, State of California, in each issue of said paper for ten consecutive weeks, the first publication being on the 7th day of December, 1911, and the last publication being on the 8th day of February, 1912, all of which facts appear and due proof thereof was made in the affidavit of C. H. Seiders filed in said application for patent proceedings, Mineral Entry No. 03457, which said affidavit was duly and regularly subscribed and sworn to on the 21st day of February, 1912, before W. B. Timmons, who was then and there a notary public in and for the county of Kern, State of California, and as such was authorized to administer oaths to persons making application for patent to mineral lands within the Land District wherein northeast quarter (NE.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Eagle Placer Mining Claim, was then and still is situated. That said "Delano Record" in which said notice was published is a newspaper of established character and general circulation and was designated by said Register as

the newspaper in which said notice was to be published, and as the newspaper nearest said land.

LI.

That thereafter in said proceedings of application for patent, Mineral Entry No. 03457, there was filed affidavit of said O. D. Barton of proof of continuous posting of said notice given by said Lost Hills Mining Company, a corporation, of its intention [77-A] to apply for patent for the said Eagle Placer Mining Claim embracing said northeast quarter (NE.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, setting forth that said notice of intention was conspicuously and duly posted upon said claim on the 10th day of November, 1911, as set forth in the said affidavits of said F. H. Davis and said Chester H. Miller, which said affidavits had been duly filed in the office of the Register of the United States Land Office at Visalia, in the State of California, and that said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 10th day of November, 1911, A. D., up to and including the 15th day of February, 1912, including the sixty (60) day period which the notice of said application for patent given by said George W. Stewart, as Register, as aforesaid, was published, as aforesaid, in said "Delano Record," and also another affidavit of said O. D. Barton, wherein he made a sworn statement of the sums of money paid by said applicant in the prosecution of said application for patent to said northeast quarter (NE.  $\frac{1}{4}$ ) of section thirty-two



(32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, that said affidavits made by said O. D. Barton were regularly subscribed and sworn to on the 24th day of February, 1912, before E. C. Farnsworth, who was then and there a notary public in and for the county of Tulare, State of California, and as such was authorized to administer oaths to persons applying for patent to the mineral lands in said land district in which said northeast quarter (NE.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Eagle Placer Mining Claim, was then and now *is* situated.

## LII.

That on the 24th day of February, 1912, said Lost Hills [78-A] Mining Company by said O. D. Barton, its duly authorized agent, under the provisions of the Revised Statutes of the United States, chapter 6, title 32, and the Legislation of Congress supplemental thereto, did make its application in writing to the Register and Receiver of the United States Land Office at Visalia, California, to purchase said Eagle Placer Mining Claim, embracing said northeast quarter (NE.  $\frac{1}{4}$ ) of said section thirty-two (32) township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, Kern County, California, containing one hundred and sixty (160) acres, according to the system of public land surveys of the United States, and therein did agree to pay therefor the sum of Four Hundred Dollars (\$400.00), the same being the legal price



thereof. That thereafter and on, to wit, the 24th day of February, 1912, the defendant herein, the Lost Hills Mining Company, paid to the plaintiff herein to and through the Receiver of public moneys at the United States Land Office at Visalia, California, the sum of Four Hundred Dollars (\$400.00), the same being in full payment for one hundred and sixty (160) acres, constituting said northeast quarter (NE. 1/4) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, and did receive therefor the receipt in duplicate of A. H. Swain, as receiver of the public moneys in the United States Land Office at Visalia, California, which said receipt was numbered 679,646 and dated February 24, 1912; and the said A. H. Swain, as receiver of public moneys in the United States Land Office at Visalia, California, did duly issue to said Lost Hills Mining Company, a corporation, the regular and legal receipt in duplicate for said sum of Four Hundred Dollars (\$400.00), and thereupon the Register and Receiver did allow said entry and did forward one of said duplicate receipts with the entire record in said application for patent proceedings to the Commissioner of the General Land Office, for his inspection and approval, and said proceedings ever since have been and now are pending before said Commissioner of [79-A] said General Land Office.

LIII.

That on the 14th day of February, 1907, W. B. Wallace, J. H. Butts, J. W. McCord, H. J. Hoyt, A. R. Orr, F. R. Hight, John Anderson and H. Wid-

mer, each and all of whom were then and there citizens of the United States, entered upon and took possession of said southwest quarter (SW.  $\frac{1}{4}$ ) of said section thirty-two (32) township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, and duly located the same as a Placer Mining Claim under the laws of the United States relating to the location of lands usually known as "Placers," which said Placer Mining Claim was to be known as the "Judge Placer Mining Claim," and did duly post thereon, in accordance with the laws relating thereto, a notice of location and did duly file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M., in book 40 of Mineral Records, page 288.

#### LIV.

That thereafter and on the 18th day of March, 1909, said locators made, executed and delivered their deed, wherein and whereby they conveyed said southwest quarter (SW.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said "Judge Placer Mining Claim," and all their right, title and interest therein to said defendant, Lost Hills Mining Company, a corporation.

#### LV.

That ever since said 14th day of February, 1907, the said land has been in the actual, peaceable, open, notorious, continuous, exclusive and undisputed

possession of the said defendant, the Lost Hills Mining Company, a corporation, and its predecessors in interest, the locators of said Judge Placer Mining Claim, and that during each year since the said year of 1907 more than One [80-A] Hundred Dollars (\$100.00) has been expended uponed said land in the way of work and improvements thereon and in the development thereof, and that during all of said time defendant and its predecessors in interest have been in the diligent prosecution of work leading to the discovery of oil on said land, and that said work was diligently prosecuted until oil was discovered thereon and a well was drilled, producing petroleum at the rate of about fifty (50) barrels per day; that defendant, Lost Hills Mining Company, a corporation, and its predecessors in interest also discovered upon said land large, valuable and extensive deposits of gypsum of good commercial quality, and that the same has been opened up and developed; that prior to and on the 27th day of September, 1909, at the time when the President of the United States, acting by and through the Secretary of the Interior, attempted to withdraw and reserve said land herein described from mineral exploration, and prior to and at the time of the passage and approval of an Act of Congress entitled "An Act to Authorize the President of the United States to Make Withdrawals in Certain Cases," approved by the President of the United States, June 25, 1910, chapter 421, and ever since and continuously up to the present time the said Lost Hills Mining Company has been and now is a *bona fide* occupant and in exclusive possession

of the said southwest quarter (SW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Judge Placer Mining Claim, under a *bona fide* claim thereto by virtue of the location and work hereinbefore mentioned, and that at all of said times the work of drilling an oil well upon said southwest quarter (SW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, [81-A] Mount Diablo meridian was actually, actively and diligently being carried on upon said land under such *bona fide* claim of title thereto, and was diligently continued to completion, as aforesaid; that applicant herein has expended over Nine Hundred Dollars (\$900.00) upon the development of the gypsum deposits upon said land and over the sum of Ten Thousand Dollars (\$10,000.00) in drilling said well and in developing oil thereon.

## LVI.

That said lands contain no known lodes and are valuable for their placer mineral contents only and have no value for purposes of agriculture or grazing or timber or stone, nor is there any water thereon nor is there any stream of water nor watercourse running through the same.

## LVII.

That there are no adverse claims made to said southwest quarter (SW.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian.

## LVIII.

That thereafter and, to wit, on the 2d day of December, 1911, and long prior to the commencement of said above-entitled action, the defendant herein, the Lost Hills Mining Company, did duly make and file its application for patent in the proper Land Office of the United States, to wit, The United States Land Office at Visalia, California, wherein and whereby it did apply to the United States of America and to the General Land Department thereof, in accordance with the laws of the United States of America and the Regulations of the Department of the Interior in reference thereto, for a patent to said southwest quarter (SW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian; that said application was numbered Mineral Entry No. 03459 and was known as such in said United States Land Office at Visalia, California. [82-A]

## LIX.

That said application for said patent herein was made for and on behalf of the claimant, the Lost Hills Mining Company, the defendant herein, by O. D. Barton, who was duly designated, authorized and empowered by a resolution of the directors of said defendant, Lost Hills Mining Company, a corporation, to make on its behalf all necessary affidavits and other papers in writing pertaining to an application by said company to the United States for a patent to said Judge Placer Mining Claim; that said O. D. Barton was at said time, and now is, a person conversant with all of the facts sought to be estab-



lished by the affidavits presented in support of said application for patent. That said application for patent was in the form of an affidavit and was accompanied by other affidavits in support thereof; that the said affidavit of application for patent set forth: the authority of affiant, to wit, said O. D. Barton, to make application for patent to sell land for and on behalf of the Lost Hills Mining Company, the company's qualification to make such application and to acquire a patent, the location of said Placer Mining Land with the names of the locators, the transfer by the original locators of said land to the said Lost Hills Mining Company, the possession by said Lost Hills Mining Company and of their predecessors in interest continuously from the 14th day of February, 1907, down to the date of making application, the extent of the work done in developing the gypsum and petroleum in said land, the quantity of gypsum and oil that had been developed, the amount of money that had been expended in developing the same, the facts that applicant was a *bona fide* occupant and claimant of said land, that the land had no streams or springs of water thereon [83-A] and no growth of timber thereon, and that the land was of no value for any other purpose than for that of producing gypsum and petroleum, and an application for patent to said lands as the Judge Placer Mining Claim. That with said affidavit of application were filed: (1) a supplemental and corroborative affidavit made by one F. H. Davis, in which he set forth the quantity, quality and value of the gypsum found upon said southwest quarter (SW.  $\frac{1}{4}$ ) of sec-

tion thirty-two, township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, (2) a certified copy of the notice of location of said placer claim, certified by the county recorder of Kern County, to be a full, true and correct copy of the original filed for record on the 23d day of February, 1907, at the request of J. N. Hoyt, (3) a certified copy of the articles of Incorporation of said Lost Hills Mining Company, (4) a certified copy of the resolution appointing the said O. D. Barton to make all papers necessary in connection with said application for patent, (5) an affidavit of said O. D. Barton making proof on improvements upon said land and of the extent thereof and of the quality, quantity and value of the minerals found in and upon said land and the expenditures made in developing the same, (6) the affidavits made by Earl Northrup and J. N. Young, who were disinterested in the application for said patent, wherein and whereby they set forth that they were familiar with said southwest quarter (SW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, and have been upon and over the same frequently and knew the work and improvements which the said Lost Hills Mining Company had caused to be done and made thereupon, that they had read the said affidavit of said O. D. Barton in reference to the proof of improvements made upon said land and knew the contents thereof, and that said affidavit correctly stated and described the work and improvements upon said land and knew the contents thereof, and that said affidavit correctly stated

and described the work and improvements upon said [84-A] land and that the drilling outfit and well mentioned in said affidavit are actually upon the ground and that the cost of said work and improvements equal the amount stated in said affidavit of said O. D. Barton, (7) the affidavit of said O. D. Barton as to the nonexistence of any lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral within the boundaries of said land, and that the said O. D. Barton believed that no such lode or vein existed therein, (8), the affidavits made by Earl Northrup and J. N. Young, who were persons not interested in any way in the land involved in said application for patent, that they were familiar with said southwest quarter (SW.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, and that no known lode or vein of quartz or other rock, in place bearing gold, silver, copper, cinnabar or other mineral existed within the boundaries of said land and that neither of them believed that said lode or vein existed therein, (9) the affidavit made by F. H. Davis and Chester H. Miller, each for himself and not one for the other, that he was a citizen of the United States, over the age of twenty-one (21) and was present on the 10th day of November, 1911, when the notice of intention of said Lost Hills Mining Company, a corporation, to make application for United States patent for said Judge Placer Mining Claim embracing said southwest quarter (SW.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount

Diablo Meridian was duly posted upon said Judge Placer Mining Claim, that said notice was so posted and in such a conspicuous place upon said placer mining claim at and upon the derrick over the oil well upon said claim, that said notice could be easily and readily seen and examined, (10) a copy of said notice of application for patent posted upon said Judge Placer Mining Claim on the 10th day of November, 1911, (11) the contract of the publisher of the "Delano Record," wherein and whereby he [85-A] agreed to publish the notice that the Lost Hills Mining Company, a corporation, had made application for patent to the southwest quarter (SW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit: said Judge Placer Mining Claim, as required by Act of Congress approved May 10, 1872, and Amendments thereto, and the Acts of Congress relating to the sale and disposition of public lands chiefly valuable for petroleum, situate in the county of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same, and that no claim should be made against the Government of the United States or its officers or agents for such publication, and (12) the authority of the Lost Hills Mining Company, signed by O. D. Barton, authorizing the Register and Receiver of the United States Land Office at Visalia, California, to send notices concerning said application to U. T. Clotfelter, Attorney at Law, 409 Kerckhoff Building, Los Angeles, California, and agreeing that



notices so sent should be deemed to be notices to said Lost Hills Mining Company. That all of said affidavits made by O. D. Barton, Earl Northrup, J. N. Young and said above (1) supplement and corroborative affidavit made by F. H. Davis were regularly and duly subscribed and sworn to on the 10th day of November, 1911, at Visalia, California, before D. E. Perkins, who was then and there a Notary Public in and for the county of Tulare, State of California. That said above (9) affidavit of posting notice of intention made by F. H. Davis and Chester H. Miller was regularly and duly subscribed and sworn to on the 10th day of November, 1911, in the county of Kern, State of California, before John T. Green, who was then and there a Notary Public in and for the county of Kern, [86-A] State of California; that both said D. E. Perkins and John T. Green, as such Notaries Public, were authorized to administer oaths to persons making application for patent to mineral lands within the land district wherein said southwest quarter (SW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Judge Placer Mining Claim, was then and still is situated. That with said application for patent was duly filed and abstract of title made by a duly authorized abstract company, which company was competent to make abstracts of title to lands in Kern County, which said abstract was certified by said abstract company as containing a true and correct memorandum of all instruments filed for record and recorded in the offices of the County Recorder, Clerk, Auditor and Tax



Collector of the county of Kern, State of California, which said abstract of title showed and established that the record title to said Judge Placer Mining Claim, according to said records was vested in the Lost Hills Mining Company at the time of making the said application for patent.

## LX.

That upon the filing of said application for patent George W. Stewart, as Register of the United States Land Office at Visalia, California, gave notice on the 2d day of December, 1911, that Lost Hills Mining Company had made application for patent to the said southwest quarter (SW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Judge Placer Mining Claim as required by the Acts of Congress and said rules and regulation of the Department of the Interior of the United States relating to the sale and disposition of public lands chiefly valuable for petroleum; which said notice was duly published in the "Delano Record," which is a weekly newspaper published in the town of Delano, county of [87-A] Kern, State of California, in each issue of said paper for ten consecutive weeks, the first publication being on the 7th day of December, 1911, and the last publication being on the 8th day of February, 1912, all of which facts appear and due proof thereof was made in the affidavit of C. H. Seiders filed in said application for patent proceedings Mineral Entry No. 03459, which said affidavit was duly and regularly subscribed and sworn to on the 21st day of February, 1912, before W. B. Tim-

mons, who was then and there a notary public in and for the county of Kern, State of California, and as such was authorized to administer oaths to persons making application for patent to mineral lands within the land district wherein southwest quarter (SW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Judge Placer Mining Claim, was then and still is situated. That said "Delano Record" in which said notice was published is a newspaper of established character and general circulation and was designated by said Register as the newspaper in which said notice was to be published, and as the newspaper nearest said land.

#### LXI.

That thereafter in said proceedings of application for patent, Mineral Entry No. 03459, there was filed affidavit of said O. D. Barton of proof of continuous posting of said notice given by said Lost Hills Mining Company, a corporation, of its intention to apply for patent for the said Judge Placer Mining Claim embracing said southwest quarter (SW.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, setting forth that said notice of intention was conspicuously and duly posted upon said claim on the 10th day of November, 1911, as set forth in the affidavits of F. H. Davis and said Chester H. Miller, which said affidavits [88-A] had been duly filed in the office of the Register of the United States Land Office at Visalia, State of California, and that said notice posted as aforesaid remained

continuously and conspicuously posted upon said mining claim from the 10th day of November, 1911, A. D., up to and including the 15th day of February, 1912, including the sixty (60) day period during which the notice of said application for patent given by said George W. Stewart, as Register, as aforesaid, was published, as aforesaid, in said "Delano Record," and also another affidavit of said O. D. Barton, wherein he made a sworn statement of the sums of money paid by said applicant in the prosecution of said application for patent to said southwest quarter (SW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, that said affidavits made by said O. D. Barton were regularly subscribed and sworn to on the 24th day of February, 1912, before E. C. Farnsworth, who was then and there a Notary Public in and for the county of Tulare, State of California, and as such was authorized to administer oaths to persons applying for patent to the mineral lands in said land district in which said southwest quarter (SW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Judge Placer Mining Claim, was then and now is situated.

LXII.

That on the 24th day of February, 1912, said Lost Hills Mining Company by said O. D. Barton, its duly authorized agent, under the provisions of the Revised Statutes of the United States, chapter 6, title 32, and the legislation of Congress supplemental thereto, did make its application in writing to the

Register and Receiver of the United States Land Office at Visalia, California, [89-A] to purchase said Judge Placer Mining Claim, embracing said southwest quarter (SW.  $\frac{1}{4}$ ) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, Kern County, California, containing one hundred and sixty (160) acres, according to the System of Public Land Surveys of the United States, and therein did agree to pay therefor the sum of Four Hundred Dollars (\$400.00), the same being the legal price thereof. That thereafter and on, to wit, the 24th day of February, 1912, the defendant herein, the Lost Hills Mining Company, paid to the plaintiff herein to and through the Receiver of public moneys at the United States Land Office at Visalia, California, the sum of Four Hundred Dollars (\$400.00), the same being in full payment for One Hundred and Sixty (160) acres, constituting said southwest quarter (SW.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, and did receive therefor the receipt in duplicate of A. H. Swain, as Receiver of the public moneys in the United States Land Office at Visalia, California, which said receipt was numbered 679,648 and dated February 24, 1912; and that said A. H. Swain, as Receiver of public moneys in the United States Land Office at Visalia, California, did duly issue to said Lost Hills Mining Company, a corporation, the regular and legal receipt in duplicate for said sum of Four Hundred Dollars (\$400.00), and thereupon the Register and Receiver did allow said



entry and did forward one of said duplicate receipts with the entire record in said application for patent proceedings to the Commissioner of the General Land Office, for his inspection and approval, and said proceedings ever since have been and now are pending before said Commissioner of said General Land Office. [90-A]

LXIII.

That each and all of said applications for patents, as hereinbefore set forth, are now, and were at the time of the commencement of this action, pending before the Department of the Interior of the United States in the General Land Department thereof; that the Commissioner of the General Land Office, as head of said General Land Department of the United States, has not made nor rendered any decision upon said applications for patents, nor upon any of them; nor has the Secretary of the Interior made or rendered any decision upon said applications for patents, or any of them.

LXIV.

That said defendant, said Lost Hills Mining pany, a corporation, did, heretofore, to wit, on December 2d, 1911, duly make its mineral application No. 03458 for a patent covering the Fog Horn Placer Mining Claim embracing the southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, in the county of Kern, State of California; that said application was in form and in substance similar to the applications heretofore made by said defendant and now pending for patent covering the



lands involved in this action; that the Honorable Commissioner of the General Land Office did, on the 29th day of November, 1915, clear list the said application of said defendant, said Lost Hills Mining Company, a corporation, covering said southeast quarter (SE.  $\frac{1}{4}$ ) of said section thirty-two (32), and pursuant to said clear listing the patent of the United States has been issued and delivered to the said defendant said Lost Hills Mining Company, a corporation, for the said southeast quarter (SE.  $\frac{1}{4}$ ) of said section thirty-two (32). That the said Honorable Commissioner of the General Land Office, in clear listing the application of said defendant, said Lost Hills [91-A] Mining Company, a corporation, for said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, did duly render his opinion and the opinion of the Land Department of the United States upon the *bona fides* of the said defendant, said Lost Hills Mining Company, upon said application and upon all of the applications for patent covering the lands involved in this action. That the said Honorable Commissioner of the General Land Office of the United States did, in his said decision, find, as a matter of fact; that the claim covering the said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty-two (32) was located on the 14th day of February, 1907, by the predecessors of said defendant, said Lost Hills Mining Company, a corporation; that said locators, at the same time, with other locators, located over twenty-two other tracts in the same vicinity and that the several lands so located were

transferred to the said corporation, said defendant herein, said Lost Hills Mining Company; that each interested person, to wit, each locator, received his proportionate share of the stock issued and that in view of said locations and assignments and the circumstances relating thereto, there did exist and does exist no reason for questioning the good faith and regularity of the locations of said claims; that said defendants herein hereby respectfully refer to said decision and make the same a part hereof; that the location of said mining claims hereinabove set forth covering the lands described and the Amendment to plaintiff's bill of complaint, are included in said twenty-two locations referred to in said opinion and decision of the Honorable Commissioner of the General Land Office of the United States hereinabove referred to.

LXV.

Said defendants allege the occupancy and claim to said property of said defendant, said Lost Hills Mining Company, a corporation, is not that of a trespasser and is not in violation of the proprietary and other rights of the plaintiff herein nor [92-A] in violation of the laws of the United States or any of them, or the lawful orders or proclamations of the President of the United States or any of them, and is particularly not in violation of the orders of withdrawal of September 27th, 1909, of the President of the United States, acting by and through the Secretary of the Interior, as set forth in paragraph III of plaintiff's complaint, nor in disregard of nor by infringement upon the general governmental policy

adopted by the United States for the production or conservation or disposal or use of the petroleum or gas contained in said lands or in other lands belonging to the United States, and in this behalf this defendant further alleges that said defendant, said Lost Hills Mining Company, a corporation, and its predecessors in interest, in accordance with the laws of the United States relative to the prospecting, exploring, discovering, entering upon and developing of the valuable minerals and particularly petroleum and gypsum in the public lands of the United States, did enter upon said lands hereinbefore described, as herein set forth, at the express invitation of the plaintiff herein, and did proceed, in accordance with the laws of the United States, to prospect, explore, discover and develop the minerals therein contained and did diligently prosecute said work of prospecting, exploring, discovering and entering upon and developing said petroleum and gypsum until the same had been discovered and developed in commercial quantities.

#### LXVI.

That defendants allege that all the matters set up in the bill of complaint herein are under the exclusive control and jurisdiction of the Honorable Secretary of the Interior of the United States and the Honorable Commissioner of the General Land Office of the United States; that this Court has no jurisdiction [93-A] or authority to interfere with the exercise of said exclusive control and jurisdiction of said Honorable Secretary of the Interior and the Honorable Commissioner of the General Land Office of the

United States, or to proceed with the hearing of this action while said application for patent proceedings are pending; that under and by virtue of the laws of the United States and the acts of Congress relating to the disposition of public lands by the United States, and particularly in mineral lands, the only tribunal vested with power and authority to determine the matters set forth in plaintiff's bill of complaint and the amendment thereto and all question of fact and law relating thereto, and as to whether or not said Lost Hills Mining Company is entitled to patents to said lands and is the owner thereof and has any claim thereto, and as to whether or not said defendant, said Lost Hills Mining Company, a corporation, should be granted and given a patent to and continue in possession of said lands and develop, operate and extract minerals therein contained therefrom, is the General Land Department of the United States, at the head of which is the Honorable Commissioner of the General Land Office, who, acting under the direction, supervision and control of the Honorable Secretary of the Interior of the United States, has exclusive jurisdiction, power, supervision and control over all matters which relate to the disposition, occupancy and use of the public lands of the United States and of the lands involved in this action. That until the said Honorable Commissioner of said General Land Office, acting as the head of said General Land Department of the United States and under the supervision, direction and control of the Secretary of the Interior, shall have determined the rights of said defendants herein in and to said lands in said



lands in said pending applications for patent proceedings, and shall have denied said applications for patent to said lands, [94-A] this Honorable Court has and can have no jurisdiction over the subject matter or of the parties involved in said applications for patent and in these proceedings or to determine, order or decide that said Lost Hills Mining Company, a corporation, and said Universal Oil Company, a corporation, defendants herein, or each, or any of them, should make full disclosure or set up their claims or the claims of either of them herein, or to said lands described in said amendment to said bill of complaint, or any part thereof, or to determine, order or decide that said defendants, or either of them, be required to make full, true and direct answer, respectively, to all or singular the matters or things stated or charged in plaintiff's complaint herein or the amendment thereto, or to declare that said lands, or any part thereof, set forth in said bill of complaint or the amendment thereto, and hereinabove described, to have been at all times from and after the 27th day of September, 1907, lawfully withdrawn from mineral exploration or from all or any forms of location or settlement or selection or filing or entry or disposal under the mineral or nonmineral public land laws of the United States, or to adjudge or decree that said defendants herein, to wit, said Lost Hills Mining Company, a corporation, or said Universal Oil Company, a corporation, have no estate, or right, or title, or interest, or claim, in or to said lands or any part thereof, or in or to any minerals, or mineral or mineral deposits contained in or



under said lands or any parts thereof, or to adjudge or decree that all or singular of said lands, or any part thereof, together with, or without all or any of the minerals, or mineral or mineral deposits or the mineral oil or petroleum or gas therein or thereunder contained to be the perfect property, or otherwise, of the plaintiff herein, free or clear of the claims or claim of said [95-A] defendants, or either of them, or to enjoin each, or all, or any of the defendants herein, to wit, said Lost Hills Mining Company, a corporation, or said Universal Oil Company, a corporation, or the officers or officer, or agent or agents, or servants or servant, or attorneys or attorney of said defendants, or either of them, during the progress of said action, or thereafter, or at all, finally or perpetually, from asserting or claiming any right, or title, or interest, or claim, or lien in or to the said lands, or any part thereof, or in or to any of the minerals or mineral or mineral deposits therein or thereunder contained, or to enjoin each or all or either of said defendants, to wit, said Lost Hills Mining Company, a corporation, or said Universal Oil Company, a corporation, or the officers or officer, or agents or agent, or servants or servant, of said defendants, or either of them, during the progress of this suit, or thereafter, or at all, finally or perpetually, or at all, from going upon any part or portion of said land or from, in any manner, using any of said lands or premises, or any part thereof, or from in any manner extracting, removing or using any of the minerals, mineral or mineral deposits in or under said lands or premises, or any part or portion

thereof, or any of the other or natural products thereof, or from in any manner committing any trespass or waste upon any of said lands or with reference to any of the minerals, mineral or mineral deposits therein or thereunder or any of the other or natural products thereof, or to order or determine or decide or decree that an accounting be had by said defendants, or either or any of them, wherein said defendants, or either or any of them, shall make full or complete or itemized or correct disclosure of the quantities of mineral, or particularly of petroleum removed or extracted or received by them, or either [96-A] of them, from said lands, or any part or portion thereof, or of any money or moneys or other property or thing of value received from the sale or disposition of any or all of the minerals or mineral extracted from said lands, or any part or portion thereof, or of any rent or profits received under any sale or lease or transfer or conveyance or contract or agreement concerning said lands or any part thereof, or that the plaintiff may recover from said defendants or either or any of them, respectively, all damages or any damages sustained by plaintiff under these premises, or to determine or decree or adjudge or order or decide that the plaintiff herein is entitled to any damage whatsoever in these premises, or to appoint a receiver to take possession of said lands or of all or any wells or well, or derricks or derrick, or drills or drill, or pumps or pump, or storage vats or storage vat, or pipes or pipe, or pipe-lines or pipeline, or machinery, or tools or tool, or appliances or appliance of every character or any character there-

of, belonging to or in the possession of said defendants or either of them, which have been used or now are being used in the extraction or storage or transportation or refining or sale or manufacture or in any other manner in the production of petroleum or petroleum products or of any minerals or mineral or mineral deposits from said land, or any part or portion thereof, for the purpose of continuing, or otherwise, and with full power and authority or with full power or authority, to continue the operation on said lands or any part thereof, of the production or sale of petroleum or other minerals or mineral or mineral deposits where such course is necessary to protect the alleged property of the complainant against injury or waste, or for any other purpose or purposes, or otherwise, or at all, or for the preservation or production or use of the oil or gas in said lands, or in any portion thereof, or the wells or well, or [97-A] derricks or derrick, or pumps or pump, or tanks or tank, or storage vats or storage vat, or pipes or pipe, or pipe-lines or pipe-line, or houses or house, or shops or shop, or tools or tool, or machinery, or appliances or appliance being used by said defendants, or either of them, or otherwise, or the officers or officer, or agents or agent, or assigns or assign, of said defendants, or either of them, in the production, or transportation, or manufacture, or sale of petroleum or other minerals or mineral or mineral deposits from said lands or any part thereof, or to vest such receiver with the usual or general or any powers vested in receivers of courts of chancery, or otherwise.

WHEREFORE defendants pray that the plaintiff take nothing by this action against either of these defendants, and that said action be dismissed and that these defendants recover their costs and disbursements herein expended and for such further relief as to the Court in equity may seem meet in the premises.

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

R.,

Attorneys for Said Defendants Said Lost Hills Mining Company, a Corporation, and Said Universal Oil Company, a Corporation. [98-A]

United States of America,

State of California,

City and County of San Francisco,—ss.

R. A. Morton, being first duly sworn, deposes and says:

That he is an officer of one of the defendants in the above-entitled action, namely, the Secretary of said Lost Hills Mining Company, a corporation, and as such makes this affidavit of verification; that he has read the foregoing Answer and knows the contents thereof; that the same is true of his own knowledge except as to the matters which are therein stated upon information or belief, and as to those matters that he believes it to be true.

R. A. MORTON.

Subscribed and sworn to before me this 13th day of June, 1916.

[Seal]

W. W. HEALEY,

Notary Public in and for the City and County of San Francisco, State of California. [99-A]

[Endorsed]: No. A-52—In Equity. In the District Court of the United States, in and for the Northern District of California, Northern Division. United States of America, Plaintiff, vs. Lost Hills Mining Company et al., Defendants. Answer of Defendants, Universal Oil Company and Lost Hills Mining Company. Received Copy of Within Answer this 13th June, 1916. E. J. Justice, A. E. Campbell, Albert Schoonover, Frank Hall. Attys. for Pltf. Filed Jun. 14, 1916. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Joseph D. Redding, Morrison, Dunne & Brobeck, Attorneys for Defendants, Lost Hills Mining Company and Universal Oil Company, Crocker Building, San Francisco, California. [100-A]

---

*In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit.*

No. A-52—IN EQUITY.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVERSAL OIL COMPANY, and ASSOCIATED OIL COMPANY,

Defendants.



**Answer of Associated Oil Company to Bill of  
Complaint as Amended.**

Comes now Associated Oil Company, one of the defendants in the above-entitled cause, and, severing from its codefendants, answers the purported Bill in Equity as amended of the plaintiff herein, as follows:

I.

Admits the allegations of paragraph I of said bill of complaint as amended.

II.

Admits that before on or about the 13th day of February, 1907, the lands described in paragraph II of said bill of complaint as amended, were a part of the public lands of the United States, and that as such, the plaintiff was, at said time, the owner of said lands; but alleges that the defendants Lost Hills Mining Company and Universal Oil Company claim that at all times since on or about said 13th day of February, 1907, the plaintiff has held, and now holds, the legal title to said lands, for them, and that ever since on or about said last-named date they and their assignors and predecessors in interest have been, [101-A] and that they now are, the equitable owners of said lands, and entitled to the possession and in possession thereof, and of all oil, petroleum, gas and other minerals therein contained; and this defendant states that it is without knowledge as to whether or not plaintiff has, at any time since said 13th day of February, 1907, been entitled to the possession of said lands, or any part thereof, or of the oil, petro-

leum, gas, or other minerals contained in said lands or any part thereof.

### III

Admits that on the 27th day of September, 1909, the President of the United States, acting by and through the Secretary of the Interior and under the authority legally invested in him so to do, duly regularly issued a proclamation, in the words and figures following, to wit:

#### “TEMPORARY PETROLEUM WITHDRAWAL NO. 5.

In aid of proposed legislation affecting the use and disposition of the petroleum deposits on the public domain, all public lands in the accompanying lists are hereby temporarily withdrawn from all forms of location, settlement, selection, filing, entry, or disposal, under the Mineral or Nonmineral Public Land Laws. All locations or claims existing and valid on this date may proceed to entry in the usual manner, after field investigation and examination”;

Admits that the lands described in paragraph II of said bill of complaint as amended, were mentioned in the lists accompanying said Temporary Petroleum Withdrawal No. 5, and further admits that since said 27th day of September, 1909, none of the public lands mentioned in said lists, on which there were no locations or claims existing and valid on said last-named date, has been subject to exploration for mineral, oil, petroleum, or gas, occupation, or the institution of any right under the public [102-A] land laws of the United States; but alleges that said defendants Lost Hills Mining Company and Universal Oil Com-

pany claim that the lands described in paragraph II of said bill of complaint as amended have, at all times since on or about said 13th day of February, 1907, been, and that they now are, valid locations and claims within the meaning, purport, intent and effect of the provision in said Temporary Petroleum Withdrawal Order No. 5, that all locations and claims existing and valid on the 27th day of September, 1909, may proceed to entry in the usual manner, after field investigation and examination.

#### IV.

This defendant denies upon and according to its information and belief that, in violation either of the proprietary right of plaintiff or of any other right of plaintiff, or in violation of any law of the United States or of any lawful order or proclamation of the President of the United States, or, particularly, in violation of said Order of Withdrawal of September 27, 1909; or in disregard of, contrary to, or by infringement upon, the general or any governmental policy adopted by the United States for the protection, conservation, disposal and use, or for the protection, conservation, disposal, or use, of the petroleum and gas, or of the petroleum or gas, contained in the said lands, or any thereof, the defendants Lost Hills Mining Company and Universal Oil Company, or either of them, entered upon and took possession, or entered upon, or took possession, of the lands in said bill of complaint as amended described, or of any of said lands, either prior or prospecting and exploring, or for the purpose of prospecting, or exploring, for petroleum and gas, or

petroleum or gas, therein, or [103-A] for any other purpose; or did so prospect and explore, or prospect, or explore, long subsequent to said 27th day of September, 1909, or at any time; or that said defendants or their assignors or predecessors in interest, or any of them, entered upon said lands, or any thereof, subsequent to the 27th day of September, 1909, for any purpose whatsoever; and in this behalf, this defendant alleges upon and according to its information and belief that the said defendants and their assignors and predecessors in interest lawfully entered upon, and took possession of, said lands long prior to said 27th day of September, 1909, to wit, on or about the 13th day of February, 1907, and that they have been ever since said last-named date, and now are, in the lawful possession of said lands; and that said defendants and their assignors and predecessors in interest did prospect and explore said lands for petroleum and gas therein long prior to said 27th day of September, 1909.

V.

This defendant states that it is without knowledge as to whether or not said defendants Lost Hills Mining Company and Universal Oil Company, or either of them, had discovered minerals on said lands on or before the 27th day of September, 1909, or as to whether or not said defendants had acquired any rights on, or with respect to, said lands on, or prior to, said date; but alleges that said defendants claim to have acquired rights on, or with respect to, said lands prior to said 27th day of September, 1909, and that their rights were not, and could not, lawfully be

affected or impaired by said Temporary Petroleum Withdrawal No. 5.

## VI.

This defendant states that it is without knowledge as to whether or not either of said defendants Lost Hills Mining Company and Universal Oil Company, or any person for them or [104-A] under whom they claim was, at the date of said Order of Withdrawal of September 27, 1909, a *bona fide* occupant or claimant of said land and in the diligent prosecution of work leading to the discovery of oil or gas; but alleges that said defendants claim that at the date of said Order of Withdrawal of September 27, 1909, the defendant Lost Hills Mining Company was a *bona fide* occupant and claimant of said land and in the diligent prosecution of work leading to the discovery of oil or gas; and this defendant further alleges that it is without knowledge as to whether or not either of said defendants, after the dates of the respective entry upon said land and after the beginning of the prosecution of the work of drilling for oil and gas, continued in the diligent prosecution of said work until oil or gas was discovered; but alleges that said defendants claim that after entry upon said lands and after beginning the prosecution of the work of drilling for oil and gas, they did continue in the diligent prosecution of said work until oil or gas was discovered, and that they have, at no time, prosecuted said work in violation of the Order of Withdrawal of September 27, 1909.

## VII.

This defendant states that it is without knowledge



as to when the defendant Lost Hills Mining Company discovered petroleum on said lands; this defendant admits that the said Lost Hills Mining Company and said Universal Oil Company have drilled numerous wells on said lands, for the extraction of petroleum therefrom, and have extracted and produced on said land large quantities of petroleum and gas; but this defendant denies upon and according to its information and belief that either of said defendants has extracted or produced on said lands or any part thereof any petroleum or gas in violation of the proprietary or other rights [105-A] of the plaintiff, or in violation of any law of the United States, or of any proclamation or order issued by the President of the United States, or, particularly, in violation of said Order of Withdrawal of September 27, 1909; or in disregard of, or contrary to, or by infringement upon, the general or any governmental policy adopted or declared by the United States for the protection, conservation, use and disposal, or for the protection, conservation, use, or disposal, of petroleum and gas, or petroleum, or gas, in said lands and in other lands belonging to the United States; or to the great or irreparable, or any damage to the plaintiff, or to the great or irreparable, or any injury to the lands described in said bill of complaint as amended, or to other lands belonging to the United States.

### VIII.

Denies that of the petroleum extracted and produced from the lands described in said bill of complaint as amended, large quantities thereof, or any

quantity, has been sold and delivered, or sold, or delivered, by the defendant Lost Hills Mining Company to this defendant; but admits that of the petroleum produced from said lands (but not produced in the manner set forth in paragraph VII of said Bill of Complaint as amended) some quantity has been sold and delivered by the defendant Universal Oil Company to this defendant; and in this behalf this defendant alleges that on the 16th day of January, 1912, and long prior thereto, and ever since said date, the defendant Universal Oil Company has been in possession of and has been operating the lands described in the bill of complaint herein as amended and contiguous lands; and that on or about the 16th day of January, 1912, said Universal Oil Company entered into an agreement with this defendant for the sale and [106-A] and delivery by said Universal Oil Company to this defendant of five million (5,000,000) barrels of crude petroleum of forty-two (42) gallon each in bulk, to be produced from the following described lands, to wit:

From all of Section Thirty (S. 30), and all of Section Thirty-Two (S. 32) except the East Half (E.  $\frac{1}{2}$ ) of the Northeast Quarter (NE.  $\frac{1}{4}$ ) of said Section Thirty-Two (S. 32), in Township Twenty-Six South (T. 26 S.), Range Twenty-one East (R. 21 E.), M. D. B. & M.; also from the West Half (W.  $\frac{1}{2}$ ); the West Half (W.  $\frac{1}{2}$ ) of the West Half (W.  $\frac{1}{2}$ ) of the Northeast Quarter (NE.  $\frac{1}{4}$ ); the East Half (E.  $\frac{1}{2}$ ) of the Northeast Quarter (NE.  $\frac{1}{4}$ ) of the Northeast Quarter (NE.  $\frac{1}{4}$ ), and the East Half (E.  $\frac{1}{2}$ )

of the West Half (W.  $\frac{1}{2}$ ) of the Northeast Quarter (NE.  $\frac{1}{4}$ ) of the Northeast Quarter (NE.  $\frac{1}{4}$ ) of Section five (S. 5), Township Twenty-Seven South (T. 27 S.), Range Twenty-One East (R. 21 E.), M. D. B. & M.

And that said Universal Oil Company has delivered to this defendant under said agreement a large quantity of crude petroleum; but that this defendant is without knowledge as to what quantity of crude petroleum, produced from the lands described in the bill of complaint herein as amended, has been delivered to this defendant by said Universal Oil Company.

### IX.

This defendant denies upon and according to its information and belief that said defendants Lost Hills Mining Company and Universal Oil Company, or either of them, are now unlawfully extracting oil from said lands, or any part thereof; and this defendant states that it is without knowledge as to any of the other matters alleged in paragraph IX of said bill of complaint as amended, except as to the allegation that said defendants Lost Hills Mining Company and Universal Oil Company are asserting claims to said lands.

### X.

This defendant denies that it claims any right, title, or interest to said lands, or any part thereof, or in the petroleum or [107-A] gas extracted therefrom, or in or to the proceeds arising from the sale of such petroleum, or through or by purchase thereof, except as hereinbefore alleged; but this de-

defendant admits upon and according to its information and belief that the defendants Lost Hills Mining Company and Universal Oil Company claim some right, title and interest to said lands and to all thereof, and in the petroleum, gas and other minerals extracted therefrom, and in and to the proceeds arising from the sale of such petroleum, and through and by purchase thereof; and that each of said claims is predicated upon, and derived directly from, the Notices of Mining Locations and from the mining locations made on or about the 13th day of February, 1907, and from the possession, occupation and development of said lands from and after said last-named date, and by conveyances directly or mediately from the persons by whom such locations were made. This defendant further states that it is without knowledge as to whether or not any of said location notices or claims is valid against plaintiff, or whether or not any rights have accrued to the said defendants, or any of them, thereunder, either directly or mediately; but this defendant alleges upon and according to its information and belief that said defendants assert, and at all times since said 13th day of February, 1907, have asserted, that said location notices and claims are valid against plaintiff, and that valid rights have accrued to the said defendants, and to each of them, by virtue of said location notices and claims, and by virtue of the continued possession, occupation and development of said lands thereunder, and that said claims are not asserted to cast a cloud upon the title of plaintiff and do not wrongfully interfere with plaintiff's operation and



disposition of said lands, to the great irreparable or any damage of plaintiff, or to the great, irreparable or any injury of said lands; and this [108-A] defendant denies that plaintiff is without redress or adequate remedy save by this suit, or that this suit is necessary to avoid multiplicity of actions.

## XI.

This defendant denies upon and according to its information and belief that because of the premises of the said bill as amended, or otherwise, none of the defendants has, or ever had, any right, title or interest in or to, or any lien upon, said lands or any part thereof, or any right, title or interest in or to the petroleum, mineral, oil, or gas deposited therein, or any right to extract petroleum, gas, or other minerals from said land, or to convert or dispose of the petroleum or gas so extracted, or any part thereof; or that any of the acts of defendants Lost Hills Mining Company and Universal Oil Company, or of either of them, was in violation of the laws of the United States or of the aforesaid Order of Withdrawal, or in violation of the rights of the plaintiff, or that any of said acts interfere with the execution by the plaintiff of its public policies with respect to said lands and the petroleum and gas therein, as in the said bill as amended set forth, or otherwise; and in this behalf this defendant alleges upon and according to its information and belief that the said defendants Lost Hills Mining Company and Universal Oil Company and their assignors and predecessors in interest claim, and ever since on or about the 13th day of February, 1907, have claimed, that the said



predecessors in interest of said defendants duly located said lands as mining claims, on or about said 13th day of February, 1907, and that said lands were then unoccupied public lands of the United States, open to exploration and location for minerals under the [109-A] Mineral Laws of the United States; and that said defendants and their assignors and predecessors in interest have worked said lands described in said bill of complaint as amended continuously from said last-named date until the present time, and that they made a valid discovery of mineral, to wit, gypsum, upon said lands, in the year 1908; and that they have continuously occupied said lands from said date of location, and have continuously and uninterruptedly and industriously and diligently worked and developed the same in the discovery and production of oil, gas and petroleum, and that they were, on and prior to the 27th day of September, 1909, in the actual and diligent prosecution on said lands of work leading to the discovery of oil and gas thereon; and that they were, on said date, *bona fide* occupants and claimants of said lands and in the diligent prosecution of the work aforesaid, and thereafter continued in such prosecution of such work, to the discovery of oil and of gas on said lands; and that the said defendants and their assignors and predecessors in interest have held and worked the said lands as mining claims for a period equal to the time prescribed by the Statute of Limitations for mining claims of the State of California, in which state the said lands are located, to wit, for the period of five (5) years prior to the commencement of this

suit, without any adverse claim being made in or to the said lands, or to any part thereof; and that said defendants, by reason of the premises, are true and equitable owners of said lands and entitled to patent thereto from the Government of the United States, under the laws of the United States in that behalf made and provided.

## XII.

This defendant states that it is without knowledge as to the present value of the lands described in said bill as amended. [110-A]

For a further, separate and distinct Answer and defense herein, this defendant alleges that heretofore, to wit, on the 16th day of January, 1912, the defendant Universal Oil Company entered into an agreement with this defendant for the sale and delivery by said Universal Oil Company to this defendant of five million (5,000,000) barrels of crude petroleum of forty-two (42) gallons each in bulk, to be produced from the following described lands, to wit:

From all of Section Thirty (S. 30), and all of Section Thirty-Two (S. 32) except the East Half (E.  $\frac{1}{2}$ ) of the Northeast Quarter (NE.  $\frac{1}{4}$ ) of said Section Thirty-Two (S. 32), in Township Twenty-Six South (T. 26 S.), Range Twenty-One East (R. 21 E.), M. D. B. & M.; also from the West Half (W.  $\frac{1}{2}$ ); the West Half (W.  $\frac{1}{2}$ ) of the West Half (W.  $\frac{1}{2}$ ) of the Northeast Quarter (NE.  $\frac{1}{4}$ ); the East Half (E.  $\frac{1}{2}$ ) of the Northeast Quarter (NE.  $\frac{1}{4}$ ) of the Northeast Quarter (NE.  $\frac{1}{4}$ ), and the East Half (E.  $\frac{1}{2}$ ) of the West Half (W.  $\frac{1}{2}$ ) of the

Northeast Quarter (NE.  $\frac{1}{4}$ ) of the Northeast Quarter (NE.  $\frac{1}{4}$ ) of Section Five (S. 5), Township Twenty-Seven South (T. 27 S.), Range Twenty-One East (R. 21 E.), M. D. B. & M.

And this defendant, in and by said agreement, agreed to pay said Universal Oil Company for all petroleum delivered to this defendant under said agreement at the prices, per net barrel of forty-two (42) gallons, as hereinbelow stated, to wit:

For all oil of a gravity from and including 15 degrees Beaume, at a temperature of 60 degrees Fahrenheit, up to 22 degrees Beaume, at a temperature of 60 degrees, Fahrenheit, thirty (30¢) cents.

For all oil of a gravity from and including 22 degrees Beaume, at a temperature of 60 degrees Fahrenheit, up to 25 degrees Beaume, at a temperature of 60 degrees Fahrenheit, forty-five (45¢) cents.

For oil of a gravity of 25 degrees Beaume and over, at a temperature of 60 degrees Fahrenheit, fifty (50¢) cents.

And said respective prices were full, fair and adequate for oil of the respective gravities hereinabove specified, and were [111-A] the best prices obtainable for oil of said respective gravities at the time said agreement was entered into; and that said agreement was entered into freely and voluntarily by said Universal Oil Company, and that no higher prices could have been obtained for said oil even though all the lands from which same was to be produced, had been patented, or had said oil been pro-

duced, or if it were to be produced, from lands all of which were patented; and that, in fact, the lands embraced in section five (S. 5), township twenty-seven south (T. 27 S.), range twenty-one east (R. 21 E.), M. D. B. & M., in said agreement described, had been patented prior to the date on which said agreement was entered into; that at the time said agreement was entered into said Universal Oil Company represented to this defendant that it, said Universal Oil Company, then was, and for more than three years prior to said date had been, in the possession and entitled to the possession of the lands described in said agreement, which said lands included the land described in said bill of complaint as amended; and that said Universal Oil Company then was, and for a number of years prior thereto had been, entitled to extract, remove, sell and dispose of the petroleum contained in said lands and which might then and thereafter be produced therefrom, and that it had good title thereto; that this defendant believed said representations to be true, and relied thereupon, and but for such belief and reliance upon the said representations would not have entered into said agreement with said Universal Oil Company. That this defendant did not, at the time said agreement was entered into, or at any other time prior to the commencement of this suit, have any knowledge or notice that plaintiff claims that the lands described in the said Bill of Complaint as amended were affected by said Withdrawal [112-A] Order of September 27, 1909; or that said defendant Universal Oil Company, or its assignors, grantors,



lessors, or predecessors in interest, had not entered upon said lands until long subsequent to the 27th day of September, 1909, and not prior thereto; or that neither of the defendants Universal Oil Company or Lost Hills Mining Company, nor any person for them or under whom they claim was, at the date of said Order of Withdrawal of September 27, 1909, a *bona fide* occupant or claimant of said lands and in the diligent prosecution of work leading to the discovery of oil or gas; or that neither of said defendants, after beginning the prosecution of the work of drilling for oil and gas, continued in the diligent prosecution of said work until oil or gas was discovered; or that either of said defendants entered upon said lands, or prosecuted said work, in violation of the Order of Withdrawal of September 27, 1909, or that any act of either of said defendants, or of their assignors or predecessors in interest, was in violation of any law of the United States, or of any right of the plaintiff; and that this defendant has not, and at no time had, any knowledge or notice, other than that contained in said bill of complaint as amended, that any of said claims of plaintiff is, or are, true; and that, relying upon the said representations of said Universal Oil Company, and upon the said agreement, and without notice or knowledge of any of the claims of the plaintiff hereinabove mentioned or referred to, this defendant has, under and pursuant to the said agreement, for a valuable, adequate, and full consideration by this defendant fully paid to said Universal Oil Company, prior to the commencement of this suit, to wit, for the prices in



said agreement specified; in good faith, purchased and received from said Universal Oil Company a large quantity of petroleum, produced from the lands described in said agreement; but what portion thereof, [113-A] if any, was produced from the lands described in the said bill of complaint as amended, this defendant is unable to state. And this defendant further alleges that said defendants Lost Hills Mining Company and Universal Oil Company and their assignors and predecessors in interest, have been openly, peaceably, uninterruptedly, continuously, and exclusively in the possession and operation of the land described in said bill of complaint as amended, without any adverse claim being made to said land or any part thereof by the plaintiff, nor anyone else, for a period of time longer than that prescribed by the Statute of Limitations of the State of California for the commencement of actions for the recovery of real property, to wit, for a period of more than five (5) years prior to the commencement of this suit; and that by the long and unreasonable delay in the assertion of the claims set forth by the plaintiff in its bill of complaint as amended, and by the long and unreasonable delay of the plaintiff herein to sue, it was, and has been, and is, guilty of laches; and the alleged cause of action set forth by the plaintiff in its bill of complaint as amended, is barred thereby, and the plaintiff is estopped from maintaining, and it would be inequitable to permit plaintiff to maintain, this suit against this defendant, or to recover, or to permit plaintiff to recover, anything from this defendant.

For a further, separate and distinct answer and defense herein, this defendant alleges that said purported Bill in Equity as amended does not state facts sufficient to entitle plaintiff to the relief sought in and by its said bill, nor facts sufficient to give this Court jurisdiction in equity of plaintiff's claims therein urged. [114-A]

For a further, separate and distinct answer and defense herein, this defendant alleges that there is a misjoinder of parties defendant herein, in this: that this defendant is improperly joined with the defendants Lost Hills Mining Company and Universal Oil Company.

For a further, separate and distinct answer and defense herein, this defendant alleges that plaintiff has a plain, speedy, and adequate remedy at law, by an action in ejectment, or by an action for conversion; and that this suit should have been brought as an action on the law side of this Honorable Court, and that it should be transferred to the law side and be there proceeded with.

For a further, separate and distinct answer and defense herein, this defendant alleges that this Court is without jurisdiction of the subject matter of this suit, and that this Court has no jurisdiction to try and determine any of the matters set forth in said bill of complaint as amended; and that it has no jurisdiction to try and determine the title to the lands described in said bill of complaint as amended, or the right to possession of said lands; and, particularly, no jurisdiction to try and determine the estate, right, title, interest, or claim of the defend-

ants Lost Hills Mining Company and Universal Oil Company in and to said lands or any part thereof, or in or to any mineral, or minerals, or mineral deposits contained in or under said lands or any part thereof; or the right of said defendants to extract petroleum, gas, or other minerals from said lands, or the right of said defendants to dispose of the petroleum, gas, or other minerals removed or extracted by them from said lands or any part thereof; and in this behalf this defendant alleges upon and according to its information and belief, that on the 13th day of February, 1907, the lands described in said bill of complaint as [115-A] amended, were public mineral lands of the United States, subject to location and purchase under the laws of the United States relating to the sale and disposition of lands commonly known as "Placers"; and, on or about said date, eight persons, each being then a citizen of the United States and all having theretofore associated themselves together for the purpose of acquiring title to oil lands in the county of Kern, State of California, duly located the northwest quarter (NW. 1/4) of section thirty (Sec. 30), township twenty-six south (T. 26 S.), range twenty-one east (R. 21 E.), M. D. B. & M., as the "Lost Hill Placer Mining Claim," and recorded Notice of Location thereof on the 23d day of February, 1907, in the Office of the County Recorder of said county of Kern, in Book 40 of Mining Records, at page 240; and that, on or about the 14th day of February, 1907, eight other persons, each being then a citizen of the United States and all having theretofore associated themselves together for the purpose

of acquiring title to oil lands in said county of Kern, duly located the southeast quarter (SE.  $\frac{1}{4}$ ) of said section thirty (Sec. 30), as the "Signal Placer Mining Claim," and recorded Notice of Location thereof on the 23d day of February, 1907, in the office of the County Recorder of said county of Kern, in Book 40 of Mining Records, at page 293; and that, on or about said 14th day of February, 1907, eight other persons, each being then a citizen of the United States and all having theretofore associated themselves together for the purpose of acquiring title to oil lands in said county of Kern, duly located the northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty-two (Sec. 32), township twenty-six south (T. 26 S.), range twenty-one east (R. 21 E.), M. D. B. & M., as the "Petroleum Placer Mining Claim," and recorded Notice of Location thereof on the 23d day of February, 1907, in the office [116-A] of the County Recorder of said county of Kern, in Book 40 of Mining Records, at page 292; and that, on or about said 14th day of February, 1907, eight other persons, each being then a citizen of the United States and all having theretofore associated themselves together for the purpose of acquiring title to oil lands in said county of Kern, duly located the northeast quarter (NE.  $\frac{1}{4}$ ) of said section thirty-two (Sec. 32), as the "Eagle Placer Mining Claim," and recorded notice of location thereof on the 23d day of February, 1907, in the office of the County Recorder of said county of Kern, in Book 40 of Mining Records, at page 287; and that, on or about said 14th day of February, 1907, eight other persons, each being then a citizen



of the United States and all having theretofore associated themselves together for the purpose of acquiring title to oil lands in said county of Kern, duly located the southwest quarter (SW.  $\frac{1}{4}$ ) of said section thirty-two (Sec. 32), as the "Judge Placer Mining Claim," and recorded Notice of Location thereof on the 23d day of February, 1907, in the office of the County Recorder of said county of Kern, in Book 40 of Mining Records, at page 288; and that thereafter, on the 18th day of March, 1909, the several locators of the northwest quarter (NW.  $\frac{1}{4}$ ) and of the southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (Sec. 30), and of the northwest quarter (NW.  $\frac{1}{4}$ ), the northeast quarter (NE.  $\frac{1}{4}$ ) and southwest quarter (SW.  $\frac{1}{4}$ ) of said section thirty-two (Sec. 32), conveyed all of their respective rights, title, and interest in and to said several quarter sections to the defendant Lost Hills Mining Company; and that ever since said 18th day of March, 1909, said Lost Hills Mining Company has claimed to be the owner of said several quarter sections, openly and notoriously, and during said time has held said lands and caused the same to be worked and developed for their minerals; that on the 18th day of November, 1911, said Lost [117-A] Hills Mining Company made Mineral Entry of said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty (Sec. 30) in the United States Land Office at Visalia, California, its Serial Number 03431, under and pursuant to the provisions of section 2332 of the Revised Statutes of the United States and Rules 74 to 77, inclusive, of the Regulations promulgated by the Secretary of



the Interior under and pursuant to the provisions of said section of the Revised Statutes of the United States; notice of said Mineral Entry was given by said Lost Hills Mining Company in all respects as required by law and the Rules and Regulations of the Department of the Interior; and on the 24th day of February, 1912, said Lost Hills Mining Company, having theretofore complied in every respect with the laws of the United States relating to the sale and disposition of its mineral lands, commonly called "Placers," and with all of the Rules and Regulations promulgated thereunder by the Department of the Interior, paid to the United States, the plaintiff in this suit, and said plaintiff accepted without objection or protest of any kind, the sum of Two Dollars and Fifty Cents (\$2.50) per acre for said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty (Sec. 30), which contains one hundred sixty-one and *eight*-five hundredths (161.85) acres, said payment amounting to the sum of Four Hundred and Five (\$405.00) Dollars; and the Receiver of the United States Land Office at Visalia issued his final receipt therefor, Number 679,643, on said last-mentioned date; that on said 18th day of November, 1911, said Lost Hills Mining Company made Mineral Entry of the southeast quarter (SE.  $\frac{1}{4}$ ) of said section thirty (Sec. 30) in the United States Land Office at Visalia, California, its Serial Number 03432, under and pursuant to the provisions of Section 2332 of the Revised Statutes of the United States and Rules 74 to 77, inclusive, of the regulations promulgated by the Secretary of the Interior [118-A] under and pursuant

to the provisions of said section of the Revised Statutes of the United States; and notice of said mineral entry was given by said Lost Hills Mining Company in all respects as required by law and the Rules and Regulations of the Department of the Interior; and on said 24th day of February, 1912, said Lost Hills Mining Company, having theretofore complied in every respect with the laws of the United States relating to the sale and disposition of its mineral lands, commonly called "Placers," and with all of the Rules and Regulations promulgated thereunder by the Department of the Interior, paid to the United States, the plaintiff in this suit, and said plaintiff accepted without objection or protest of any kind, the sum of Two Dollars and Fifty Cents (\$2.50) per acre for said southeast quarter (SE.  $\frac{1}{4}$ ) of said section thirty (Sec. 30), which contains one hundred and sixty (160) acres, said payment amounting to the sum of Four Hundred (\$400.00) Dollars; and the Receiver of the United States Land Office at Visalia issued his final receipt therefor, Number 679,644, on said last-mentioned date; that on the 25th day of November, 1911, said Lost Hills Mining Company made Mineral Entry of the northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty-two (Sec. 32) in the United States Land Office at Visalia, California, its Serial Number 03448, under and pursuant to the provisions of Section 2332 of the Revised Statutes of the United States and Rules 74 to 77, inclusive, of the regulations promulgated by the Secretary of the Interior under and pursuant to the provisions of said section of the Revised Statutes of the

United States; that notice of said Mineral Entry was given by said Lost Hills Mining Company in all respects as required by law and the Rules and Regulations of the Department of the Interior; and on said 24th day of February, 1912, said Lost Hills Mining Company, [119-A] having theretofore complied in every respect with the laws of the United States relating to the sale and disposition of its mineral lands, commonly called "Placers," and with all of the Rules and Regulations promulgated thereunder by the Department of the Interior, paid to the United States, the plaintiff in this suit, and said plaintiff accepted without objection or protest of any kind, the sum of Two Dollars and Fifty Cents (\$2.50) per acre for said northwest quarter (NW.  $\frac{1}{4}$ ) of said section thirty-two (Sec. 32), which contains one hundred and sixty (160) acres, said payment amounting to the sum of Four Hundred (\$400.00) Dollars; and the Receiver of the United States Land Office at Visalia issued his final receipt therefor, Number 679,645, on said last-mentioned date; that on the 2d day of December, 1911, said Lost Hills Mining Company made mineral entry of the northeast quarter (NE.  $\frac{1}{4}$ ) of said section thirty-two (Sec. 32) in the United States Land Office at Visalia, California, its Serial Number 03457, under and pursuant to the provisions of section 2332 of the Revised Statutes of the United States and Rules 74 to 77, inclusive, of the regulations promulgated by the Secretary of the Interior under and pursuant to the provisions of said section of the Revised Statutes of the United States; that notice of said mineral en-

try was given by said Lost Hills Mining Company in all respects as required by law and the Rules and Regulations of the Department of the Interior; and on said 24th day of February, 1912, said Lost Hills Mining Company, having theretofore complied in every respect with the laws of the United States relating to the sale and disposition of its mineral lands, commonly called "Placers," and with all of the Rules and Regulations promulgated thereunder by the Department of the Interior, paid to the United States, the plaintiff in this suit, and said [120-A] plaintiff accepted without objection or protest of any kind, the sum of Two Dollars and Fifty Cents (\$2.50) per acre for said northeast quarter (NE.  $\frac{1}{4}$ ) of said section thirty-two (Sec. 32), which contains one hundred and sixty (160) acres, said payment amounting to the sum of Four Hundred (\$400.00) Dollars; and the Receiver of the United States Land Office at Visalia issued his final receipt therefor, Number 679,646, on said last-mentioned date; that on said 2d day of December, 1911, said Lost Hills Mining Company made mineral entry of the southwest quarter (SW.  $\frac{1}{4}$ ) of said section thirty-two (Sec. 32) in the United States Land Office at Visalia, California, its Serial Number 03459, under and pursuant to the provisions of section 2332 of the Revised Statutes of the United States and Rules 74 to 77, inclusive, of the regulations promulgated by the Secretary of the Interior under and pursuant to the provisions of said section of the Revised Statutes of the United States; that notice of said mineral entry was given by said Lost Hills Mining Company in all re-



spects as required by law and the Rules and Regulations of the Department of the Interior; and on said 24th day of February, 1912, said Lost Hills Mining Company, having theretofore complied in every respect with the laws of the United States relating to the sale and disposition of its mineral lands, commonly called "Placers," and with all of the Rules and Regulations promulgated thereunder by the Department of the Interior, paid to the United States, the plaintiff in this suit, and said plaintiff accepted without objection or protest of any kind, the sum of Two Dollars and Fifty Cents (\$2.50) per acre for said southwest quarter (SW.  $\frac{1}{4}$ ) of said section thirty-two (Sec. 32), which contains one hundred and sixty (160) acres, said payment amounting to the sum of Four Hundred (\$400.00) Dollars; and the Receiver of [121-A] the United States Land Office at Visalia issued his final receipt therefor, Number 679,648, on said last-mentioned date. That each and all of said applications for patent are now, and were at the time of the commencement of this action, pending before the Department of the Interior of the United States, in the General Land Office thereof; that the Commissioner of the General Land Office has not made nor rendered any decision upon said applications for patent, or upon any of them; nor has the Secretary of the Interior made nor rendered any decision upon said applications for patent, or upon any of them; and that said applications have been, ever since said 24th day of February, 1912, and now are, pending and undetermined before the Commissioner of the General Land Office; that



all of the matters sought to be tried and determined in this suit are under the exclusive control and jurisdiction of the Honorable Secretary of the Interior of the United States and the Honorable Commissioner of the General Land Office of the United States, and that this Court has no jurisdiction to interfere with the exercise of said exclusive control and jurisdiction of the said Secretary of the Interior and the said Commissioner of the General Land Office, or to proceed with the hearing of this suit while said applications for patent are pending; and that, under the laws of the United States relating to the sale and disposition of its mineral lands, commonly called "Placers," the only tribunal invested with power to hear and determine the matters set forth in plaintiff's bill of complaint as amended, is the General Land Office of the United States.

WHEREFORE, this defendant prays that this suit be dismissed, and that if not dismissed, it be forthwith transferred to the law side of this Honorable Court, and there proceeded with, [122-A] with only such alteration in the pleadings as shall be essential; and that plaintiff take nothing by this suit as against this defendant; and that this defendant recover its costs herein.

EDMUND TAUSZKY,

Solicitor for Defendant Associated Oil Company.

United States of America,  
Northern District of California,  
City and County of San Francisco,—ss.

J. P. Edwards, being first duly sworn, deposes and says: That he is an officer, to wit, Assistant Secre-

tary, of Associated Oil Company, one of the defendants in the within entitled suit, and as such officer, makes this affidavit on behalf of said defendant:

That he has read the foregoing Answer and knows the contents thereof; that the same is true of his own knowledge, except as to the matters which are therein stated on information or belief, and as to those matters, that he believes it to be true.

J. P. EDWARDS.

Subscribed and sworn to before me, this 17th day of June, 1916.

[Seal]

RITA JOHNSON,

Notary Public in and for the City and County of  
San Francisco, State of California. [123-A]

[Endorsed]: No. A-52—In Equity. United States District Court, Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company, Universal Oil Company, and Associated Oil Company, Defendants. Answer of Associated Oil Company to Bill of Complaint as Amended. Receipt of copy of within Answer is hereby admitted, this 17th day of June, 1916. E. J. Justice, Jas. W. Wither, Special Assistants to the Attorney General, Solicitors for Plaintiff. Filed June 19, 1916. Wm. M. Van Dyke, Clerk. By R. S. Zimmerman, Deputy Clerk. Edmund Tauszky, Attorney for Defendant, Associated Oil Company, Sharon Building, San Francisco, California. [124-A]

*In the District Court of the United States for the  
Southern District of California, Northern Divi-  
sion, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVERSAL  
OIL COMPANY and ASSOCIATED OIL  
COMPANY,

Defendants.

**Notice of Motion to have the Jurisdictional Defense  
of the Defendants Separately Heard and Dis-  
posed of.**

To United States of America, Plaintiff Above  
Named:

You will please take notice that the defendants, the Lost Hills Mining Company, a corporation, and the Universal Oil Company, a corporation, will move before the Honorable, the United States District Court for the Southern District of California, at the courtroom of said court, in the Federal Building, at Los Angeles, California, on Monday, the 26th day of June, 1916, at 10:00 A. M., or as soon thereafter as counsel may be heard in the above-entitled cause, for an order to the effect that the jurisdictional defense of the defendants in the above-entitled action may be separately heard and disposed of on the 31st day of July, 1916, in said court, when

said court is convened, or as soon thereafter as counsel may be heard; and that said jurisdictional defense may be separately heard and disposed of before the trial of the principal case in this action and before the hearing and [125-A] trial upon any other motions or proceedings in this case. Said motion will be based on Rule 29 and the other pertinent rules of the Rules of Practice for the Court of Equity of the United States, as promulgated and defined by the Honorable, the Supreme Court of the United States of America, and upon the complaint and answer of said defendants on file herein, and particularly upon the further and separate answer of said defendants raising the question of the jurisdiction of this Honorable Court on file herein; said motion will be further made and presented upon the ground that the equitable, expeditious, proper and orderly disposal of this action requires that this Honorable Court shall first determine whether or not it has any jurisdiction over the subject matter involved in this suit or of the defendants.

You will please further take notice that said hearing and disposal of said jurisdictional defense of the said defendants will be based upon all of the pleadings in the above-entitled action and upon proofs of the allegations set up in the answer of the said defendants, to be introduced by the said defendants at said hearing, and upon affidavits and oral testimony and upon the records in the United States Land Office, and their various departments in San Francisco, California, Visalia, California, and Washington, D. C., all of which, or so much thereof as may

be necessary, are to be presented and introduced at said hearing.

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

Attorneys for said Defendants, Lost Hills Mining Company et al.

Received copy this 23d day of June, 1916.

E. J. JUSTICE,

A. E. CAMPBELL,

FRANK HALL,

Solicitors for Plaintiff. [126-A]

[Endorsed]: In Equity—A-52. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company, Universal Oil Company and Associated Oil Company, Defendants. Notice of Motion to have the Jurisdictional Defense of the Defendants Separately Heard and Disposed of. Filed June 26, 1916. Wm. M. Van Dyke, Clerk. T. F. Green, Deputy. Joseph D. Redding, Attorney for Defendants, 411-417 Crocker Building, San Francisco, California. Earl H. Pier. [127-A]



*In the District Court of the United States for the  
Southern District of California, Northern Divi-  
sion, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVERSAL  
OIL COMPANY and ASSOCIATED OIL  
COMPANY,

Defendants.

**Notice of Motion for Restraining Order and  
Receiver.**

To Lost Hills Mining Company, Universal Oil Com-  
pany and Associated Oil Company:

You, and each of you, will take notice that the plaintiff, the United States of America, will move, before the United States District Court for the Southern District of California, and the Judge thereof, Honorable B. F. Bledsoe, United States District Judge, at the courtroom of the said court in the Federal Building, at Los Angeles, California, on Monday, the 19th day of June, 1916, at 10 o'clock A. M., in the above-entitled cause, for the granting of an order restraining you, and each of you, your officers, agents, servants, and attorneys, from taking or moving from the said premises described in the bill of complaint herein, any of the mineral oil or petroleum deposited therein, or any of the gas in or

under said land, and from committing in any manner any trespass or waste upon any of said land, or with reference to any of the minerals deposited therein, pending the disposition of the said cause or the further order of this Court. [128-A]

And you, and each of you, will further take notice that the plaintiff, the United States of America, will then and there move the said court, and the Judge thereof, in the above-entitled cause for the granting of an order appointing a receiver for the property described in the bill of complaint herein, and operated by you, and each of you, and for the oil and petroleum heretofore extracted from said land, to be dealt with by the receiver in such manner as to the Court may seem proper.

The above motions will be submitted upon the verified bill of complaint on file herein, affidavits, records, documents, oral testimony, and a certified copy of the following depositions and testimony filed in that certain proceeding pending before the register and receiver of the United States Land Office, at Visalia, California, entitled:

“Department of the Interior, United States Land Office, Visalia, California, before the Register and Receiver, United States vs. Lost Hills Mining Company, involving mineral applications numbers 03431, 03432, 03448, 03457, 03459, Visalia, California Land District,”

to wit, the deposition and testimony of Orlando D. Barton, taken on February 28, 1916, before the register and receiver of the United States Land Office, at Visalia, California; the deposition and testimony

of L. E. Prestage, taken before the Register and Receiver of the United States Land Office, at Visalia, California, on April 19, 1916; the depositions of H. E. Covey and W. L. McLaine taken before T. F. Allen, Notary Public, at Bakersfield, California, on April 18, 1916, and the deposition of Geo. A. Coffey, taken before L. B. Hayhurst, Notary Public, at Fresno, California, on April 20, 1916. [129-A]

Dated this, the 10th day of June, 1916.

E. J. JUSTICE,

FRANK HALL,

A. E. CAMPBELL,

Solicitors for the Plaintiff, United States of America.

[Endorsed]:

(RETURN ON SERVICE OF WRIT.)

United States of America,  
Northern District of California,—ss.

I hereby certify and return that I served the within notice of motion for restraining order and receiver, on Edmund Tauszky, and Jos. D. Redding, each by handing to and leaving a true and correct copy thereof with, Edmund Tauszky, and Jos. D. Redding, each personally at the City and County of San Francisco, California, in said District on the 12th day of June, A. D. 1916.

J. B. HOLOHAN,

United States Marshal.

By I. W. Grover,

Office Deputy.

In Equity—No. A-52. In the District Court of the United States, Ninth Circuit, for the Northern Div. of California. United States of America, Plaintiff, vs. Lost Hills Mining Company, Universal Oil Company and Associated Oil Company, Defendants. Notice of Motion for Restraining Order and Receiver. Filed Jun. 26, 1916. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy Clerk. E. J. Justice, Frank Hall, A. E. Campbell, Solicitors for the Plaintiff, United States of America. [130-A]

---

At a Special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the City of San Francisco, California, on Friday, the twenty-eighth day of July, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable BENJAMIN F. BLEDSOE, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,  
vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—July 28, 1916—Hearing on  
Motion for Restraining Order, etc.**

This cause coming on this day to be set down for hearing on the motion of complainant for a restrain-

ing order and also on the application of complainant for the appointment of a receiver; E. J. Justice, Esq., A. E. Campbell, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Joseph D. Redding, Esq., appearing as counsel for defendants Lost Hills Mining Company et al.; I. Benjamin, one of the official shorthand reporters of this Court, being present and acting as such; good cause appearing therefor, it is ordered that this cause be, and the same hereby is continued until Tuesday, the 15th day of August, 1916, at 10 o'clock A. M., for the setting of the same down for said hearing, to be called for the same at San Francisco, California, before Honorable Robert S. Bean, U. S. District Judge.

[131-A]

---

*In the District Court of the United States, in and for  
the Southern District of California, Northern  
Division, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVERSAL  
OIL COMPANY and ASSOCIATED OIL  
COMPANY,

Defendants.



**Notice of Motion for Hearing of Motion for  
Appointment of Receiver, etc.**

To the United States of America, Plaintiff in the  
Above-entitled Action, and to E. J. Justice and  
Frank Hall, Its Attorneys:

YOU AND EACH OF YOU WILL PLEASE  
TAKE NOTICE that on Tuesday, the 15th day of  
August, 1916, at the hour of ten o'clock A. M., or as  
soon thereafter as counsel can be heard at the Fed-  
eral Building in the city and county of San Fran-  
cisco, California, Lost Hills Mining Company and  
Universal Oil Company, defendants in the above-  
entitled suit, will move the Court to continue the  
hearing of the motion for the appointment of a Re-  
ceiver and for a temporary injunction and on the  
jurisdictional defense interposed and set up by the  
said defendants, until Monday, the 28th day of  
August, 1916, at the hour of ten o'clock A. M., or to  
such other time as may by the Court be deemed  
proper under the circumstances.

Said motion will be based and heard upon the files  
herein and upon the affidavit of R. L. McWilliams,  
one of the solicitors for said defendants, a copy of  
which is hereto attached and made a part hereof.

JOS. D. REDDING,  
MORRISON, DUNNE & BROBECK,  
Solicitors for said Defendants. [132-A]

*In the District Court of the United States, in and for  
the Southern District of California, Northern  
Division, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVERSAL  
OIL COMPANY, and ASSOCIATED OIL  
COMPANY,

Defendants.

**Affidavit of R. L. Williams in Support of Motion for  
Hearing of Motion for Appointment of Re-  
ceiver, etc.**

State of California,

City and County of San Francisco,—ss.

R. L. McWilliams, being first duly sworn, deposes  
and says:

That he is one of the solicitors for Lost Hills Min-  
ing Company and Universal Oil Company, defend-  
ants in the above-entitled action.

That on July 28, 1916, the above-entitled Court  
set down the motion for the appointment of a Re-  
ceiver and the motion for a temporary injunction  
for hearing on August 15, 1916; that as affiant is in-  
formed and believes, and therefore alleges the fact  
to be, on said day and at the time the said matters  
were set down for hearing, as aforesaid, Mr. Joseph  
D. Redding, one of the solicitors for the said de-

fendants, informed the Court that he had theretofore served notice that the said defendants desired to take the depositions of several witnesses in Washington, including the deposition of the Commissioner of the General Land Office and the Secretary of the Interior of the United States [133-A] with particular reference to the jurisdiction of this court to hear the above-entitled suit, or to determine any of the issues therein pending proceedings in the Land Department of the United States, and that it might be that he would not complete the taking of the said depositions in time to enable him to be in San Francisco on the said 15th day of August, 1916.

That thereafter and on or about the 10th day of August, 1916, affiant received from the said Joseph D. Redding a telegram sent from Washington, D. C., in which the said Joseph D. Redding stated that he had sent a telegram to E. J. Justice, one of the solicitors for the plaintiff herein, stating that he was proceeding with the taking of the depositions above referred to, and that it would undoubtedly take until the middle of the following week before he could finish the taking of said depositions, and that he would thereby be precluded from reaching San Francisco before the 20th of August, 1916; that this would necessitate the hearing above referred to being postponed about one week; that the evidence that he was obtaining, and seeking to obtain by said depositions goes to the question of the jurisdiction of the Court, the right of the plaintiff herein to an injunction and to the question of the measure of damages; that upon the receipt of the said telegram

affiant communicated with the said E. J. Justice and was informed that he had taken the matter up with Judge Bean who was to preside at the hearing of the said motions;

That the said Joseph D. Redding is one of the solicitors for the said defendants in the above-entitled suit, and that it would not be safe for said defendants to proceed with the hearing of the said matters until the return of the said Joseph [134-A] D. Redding to San Francisco, and until the arrival of the depositions above referred to.

R. L. McWILLIAMS.

Subscribed and sworn to before me this 14th day of August, 1916.

[Seal]

W. W. HEALEY,

Notary Public in and for the City and County of San Francisco, State of California.

[Endorsed]: No. A-52—In Equity. United States District Court, Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company et al., Defendants. Notice of Motion of Defendants and Affidavit of R. L. McWilliams in Support of Motion for Continuance of Hearing of Plaintiff's Motion for Temporary Injunction, Appointment of a Receiver and Jurisdictional Question. Receipt of a copy of the within Notice of Motion is hereby admitted this 14th day of August, 1916, at 3:55 P. M. E. J. Justice, A. E. Campbell, Frank Hall, Attorneys for Plaintiff. Filed San Francisco, Aug. 15, 1916. Wm. M. Van Dyke, Clerk. T. F. Green, Deputy. Joseph D. Redding, Morri-

son, Dunne & Brobeck, Crocker Building, San Francisco, Cal., Attorneys for said Defendants. [135-A]

---

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Tuesday, the fifteenth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,  
vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 15, 1916—Hearing on  
Motion for Restraining Order, etc.**

This cause coming on this day to be heard on complainants' motion for a restraining order, and also to be heard on an application for the appointment of a receiver; Frank Hall, Esq., Special Assistant to the U. S. Attorney General, appearing as counsel for the United States; Peter F. Dunne, Esq., appearing as counsel for defendants Lost Hills Mining Company and Universal Oil Company; R. L. McWilliams, Esq., appearing on behalf of Joseph D.



Redding, Esq., also of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Edmund Tauszky, Esq., appearing as counsel for defendant Associated Oil Company; John P. Doyle, one of the shorthand reporters of this court, being present and acting as such; and it appearing that defendants have moved the Court for an order continuing this cause for said hearing; and said motion for a continuance having been argued, in support thereof, by R. L. McWilliams, Esq., appearing as aforesaid on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company et al., and by Peter F. Dunne, Esq., of counsel for defendants Lost Hills [136-A] Mining Company, and in opposition thereto by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States; it is by the Court ordered that this cause be, and the same hereby is continued for said hearing until Wednesday, the 16th day of August, 1916, at 10 o'clock A. M. [137-A]

---

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Wednesday, the sixteenth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,

vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 16, 1916—Hearing on  
Motion for Restraining Order, etc.**

This cause coming on this day to be heard on defendants' motion for a continuance of this cause for hearing on complainants' motion for a restraining order and an application for the appointment of a receiver herein; Frank Hall, Esq., Special Assistant to the U. S. Attorney General, appearing as counsel for the United States; Earl R. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; John P. Doyle, one of the official shorthand reporters of this court, being present and acting as such; and said motion for continuance having been argued, in support thereof, by Earl R. Pier, Esq., and R. L. McWilliams, Esq., appearing as aforesaid on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, and by Peter F. Dunne, Esq., of counsel for said defendants Lost Hills Mining Company and Universal Oil Company, and in

opposition thereto by Frank [138-A] Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States; it is by the Court ordered that this cause be, and the same hereby is continued for hearing on said motion for injunction and application for appointment of receiver until Monday, the 21st day of August, 1916, at 10 o'clock A. M. [139-A]

---

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Friday, the eighteenth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,  
vs.  
LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 18, 1916—Hearing on  
Motion for Restraining Order, etc.**

Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having announced that counsel for the respective

parties have consented thereto, it is ordered that for the taking of certain testimony and for hearing on motion for injunction *pendente lite* and application for appointment of receiver this cause be, and the same hereby is continued until Monday, the 21st day of August, 1916, at 10 o'clock A. M. [140-A]

---

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Monday, the twenty-first day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. 52—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,

vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 21, 1916—Hearing on  
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also coming on to be further heard on an application for the appointment of a receiver, E. J. Justice, Esq., Frank Hall, Esq., and A. E. Campbell, Esq.,

Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; Edmund Tauszky, Esq., appearing as counsel for defendant Associated Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company et al., having on behalf of all the defendants, objected to any further proceedings in the hearing of the motion for temporary injunction and application for appointment of a receiver until the determination [141-A] of a question as to the jurisdiction of this court, thereupon, on motion of said counsel for defendants, and with the consent of Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, it is ordered that said jurisdictional question be now heard, and that in the meantime said motion for injunction and application for appointment of a receiver remain in *statu quo*; and it is further ordered, on motion of Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company et al., and with the consent in open court of Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, that all proceedings, evidence and argument in the hearing of a similar jurisdictional



question in cause No. A-37—Equity, The United States of America, Complainants, vs. Devil's Den Consolidated Oil Company et al., Defendants, shall apply to, and be considered in connection with the jurisdictional question in this cause; and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having presented a stipulation of counsel herein, it is ordered that said stipulation be filed herein and also in causes Nos. A-37—Equity and A-57—Equity; and said jurisdictional question having been argued in connection with the argument of a similar jurisdictional question in cause No. A-37—Equity, aforesaid, in opposition to the jurisdiction of the court herein, by R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company et al., and by Peter F. Dunne, Esq., of counsel for said defendants Lost Hills Mining Company et al., and in support of the jurisdiction of the Court by Frank Hall, Esq., and E. J. Justice, Esq., Special Assistants to the U. S. Attorney General, of counsel for the United States; it is, at the hour of 5 o'clock P. M., ordered that this cause be, and the same hereby is continued for further hearing until Tuesday, the 22d day of August, 1916, at 10 o'clock A. M. [142-A]

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Tuesday, the twenty-second day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,

Complainants,

vs.

LOST HILLS MINING COMPANY et al.,

Defendants.

**Minutes of Court—August 22, 1916—Hearing on  
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on a jurisdictional question; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney General appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official short-

hand reporters of this court, being present and acting as such; and said jurisdictional question having been further argued, in opposition to the jurisdiction of this Court herein, by Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company et al., and in support of said jurisdiction by E. J. Justice, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States; it is ordered that this cause be, and the same hereby is submitted to the Court for its consideration and decision on said jurisdictional [143-A] question, and the argument thereof; thereupon, on motion of Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, and over the objection of Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company et al., it is ordered that, at the hour of 2 o'clock P. M., of this day, the Court shall proceed with the further hearing of the motion for a temporary injunction and the application for the appointment of a receiver; and Court, at the hour of 12:15 o'clock P. M., having taken a recess until the hour of 2 o'clock P. M., of this day; and court, at the hour of 2 o'clock P. M., having reconvened; and counsel and shorthand reporter being present as before; except that E. J. Justice, Esq., Special Assistant to the U. S. Attorney General, does not now appear as one of complainants' counsel; and counsel for the United States having announced that the Government is ready to proceed with the further hearing of complainants' motion for a temporary injunction and the application for the appointment of a receiver, and Peter F. Dunne, Esq., and R. L. Mc-

Williams, Esq., appearing as aforesaid as counsel for defendants Lost Hills Mining Company et al., having renewed the objection to proceeding with the hearing at this time, and the Court having overruled the objection and ordered that the said hearing proceed, to which ruling of the Court, on motion of said counsel for defendants, and by direction of the court, exceptions are hereby noted herein on behalf of defendants; it is further ordered that all testimony and proceedings herein shall apply and be considered also on the hearing of a similar motion and application in each of the cases Nos. A-37—Equity and A-57—Equity, so far as applicable; and the deposition of Joseph Jansen, taken pursuant to the stipulation of counsel, before J. D. Brown, notary public, having been offered by counsel for the Government, it is ordered that said deposition be opened, and filed herein and also in causes Nos. A-37—Equity [144-A] and A-57—Equity; and said deposition of Joseph Jansen having been read to the Court by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States; and, in connection with said deposition, certain exhibits having been offered and admitted in evidence on behalf of the United States, to wit: Plffs. Ex. "A," plat, sectional, of San Joaquin Valley, showing gypsite deposits, etc.; Plffs. Ex. "B," Circular No. 111, of December, 1913, issued by University of California, on the use of lime and gypsum, etc.; Plffs. Ex. "C," sketch, showing gypsum occurrences, etc.; Plffs. Ex. "D," map or plat, showing various methods of sampling; Plffs. Ex. "E," plat showing "Signal Placer," in SE.  $\frac{1}{4}$  of Sec.

30, Tp. 26 S. R. 21 E.; Plffs. Ex. "F," plat showing gypsite, etc., at "Cd," on N.  $\frac{1}{2}$  of SE.  $\frac{1}{4}$  of SE.  $\frac{1}{4}$  of Sec. 30, Tp. 26 S. R. 21 E.; Plffs. Ex. "G," plat showing "Lost Hills Placer," on NW.  $\frac{1}{4}$  of Sec. 30-26-21-; Plffs. Ex. "H," plat showing "Petroleum Placer" on NW.  $\frac{1}{4}$  of Sec. 32-26-S. 21-E; Plffs. Ex. "I," plat showing "Eagle Placer," on NE.  $\frac{1}{4}$  of Sec. 32-26-21-E; Plffs. Ex. "J," plat showing "Judge Placer," on SW.  $\frac{1}{4}$  of Sec. 32-26 S.-R. 21 E; Plffs. Ex. "K," copy of assayer's certificate, Smith, Emery & Co., of Dec. 8, 1914; Plffs. Ex. "L," copy assayer's certificate, H. Coffinan, of March 16, 1916; Plffs. Ex. "M," eleven (11) photographs, illustrating certain characteristics of gypsum, character land, etc., with legends attached; and the depositions of Orlando D. Barton, taken before the Register and Receiver of the U. S. Land Office at Visalia, Cal., on February 28, 1916, with certificate attached of said Register and Receiver, having been offered by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, it is ordered that said deposition be opened and filed in this cause and causes Nos. A-37—Equity and A-57—Equity; and said deposition of Orlando D. Barton having been read to the [145-A] Court by said counsel for the Government; and the depositions of George A. Coffey, taken before L. B. Hayhurst, Notary Public, at Fresno, Cal., on April 20, 1916, same having been taken pursuant to stipulations, and having a certificate attached of the Register and Receiver of the U. S. Land Office at Visalia, California, having been offered by said counsel for the Government, it is



ordered that same be opened, and filed in this cause and in causes Nos. A-37—Equity and A-57—Equity; and said depositions having been read to the Court by said counsel for the Government; it is, at the hour of 5:05 o'clock P. M., ordered that this cause be, and the same hereby is continued for further hearing until Wednesday, the 23d day of August, 1916, at 10 o'clock A. M. [146-A]

---

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the court room thereof, in the city of San Francisco, California, on Wednesday, the twenty-third day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,  
vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 23, 1916—Hearing on  
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also to be further heard on an application

for the appointment of a receiver; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, or counsel for the United States, having offered a copy of depositions of W. L. McLaine and H. E. Covey, taken before T. F. Allen, Notary Public [147-A] at Bakersfield, California, on April 18, 1916, for use in the U. S. General Land Office, with certificate attached of the Register and Receiver of the U. S. Land Office at Visalia, California, which depositions are admitted in evidence and read to the Court by said counsel for the United States; and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having offered copy of depositions of L. E. Prestage, taken before the United States Land Office at Visalia, California, with certificate attached, of Frank Laning, Register of said Land Office, which depositions are admitted in evidence and read to the Court by said counsel for the United States; and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having offered the following affidavits, which are ad-

mitted in evidence herein on behalf of the United States, and was read to the Court by said counsel for the Government, to wit: Affidavit of Orlando D. Barton, taken before J. S. Clack, Notary Public, on October 19, 1915; affidavit of J. H. Favorite, taken before T. L. Baldwin, Deputy Clerk of the U. S. District Court for the Northern District of California, on June 9, 1916; and two affidavits of C. L. McDonald, taken before A. H. Thomas, Notary Public, on August 10, 1916; and J. G. Dean and D. A. Mulvane, having respectively been called and sworn as witnesses on behalf of the United States, and having given their testimony; and, after a recess of court from the hour of 12 o'clock M., until the hour of 2 o'clock P. M., of this day, this cause having been again called for further hearing, and counsel and shorthand reporter being present as before; and D. A. Mulvane, a witness on behalf of the United States, having again taken the stand for further examination, and having given his testimony; and P. A. English and Silas F. Gillan having [148-A] respectively been called and sworn as witnesses on behalf of the United States, and having given their testimony; and in connection with the testimony of the last-named witness, the Government having offered an exhibit, which is admitted in evidence in its behalf, to wit: Plffs. Ex. "N," Copy of proof of labor performed on Sec. 30, Tp. 26 S., R. 21 E., M. D. M., as recorded in the recorder's office of Kern County, California; it is, at the hour of 4 o'clock P. M., ordered that this cause be, and the same hereby is continued for further hearing until Thurs-

day, the 24th day of August, 1916, at 10 o'clock A. M.  
[149-A]

---

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Thursday, the twenty-fourth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,  
vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 24, 1916—Hearing on  
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also to be further heard on an application for the appointment of a receiver; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Peter

F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; it is, on motion of Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, ordered that the amended bill of complaint in this cause shall be considered as part of the evidence, etc., on this hearing; and complainants having offered an exhibit, which [150-A] is admitted in evidence in their behalf, to wit, Plffs.' Ex. "O," Oil statement of Devil's Den Consolidated Oil Company, January, 1912, to September, 1915; and the Government having rested on this hearing; thereafter it is ordered that this cause be, and the same hereby is continued until Friday, the 25th day of August, 1916, at 10 o'clock, A. M., for further hearing. [151-A]

---

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Friday, the twenty-fifth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.



No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,  
vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 25, 1916—Hearing on  
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also to be further heard on an application for the appointment of a receiver; E. J. Justice, Esq., Special Assistant to the U. S. Attorney General, and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; and Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and, after a recess of court from the hour of 12 o'clock M., until the hour of 2 o'clock P. M., of this day, this cause having again been called for said hearing, and counsel and shorthand reporter being present as before; and W. B. Wallace, heretofore sworn as a witness on behalf of [152-A] defendants in cause No. A-37—Equity,

The United States of America, Complainants, vs. Devil's Den Consolidated Oil Company et al., Defendants, having been called as a witness on behalf of defendant Lost Hills Mining Company, and having been examined by Joseph D. Redding, Esq., now also appearing as of counsel for said defendant Lost Hills Mining Company, and having given his testimony; and, in connection with the testimony of said witness, defendant Lost Hills Mining Company having offered two exhibits, which are admitted in evidence in its behalf, to wit: Deft. Lost Hills Mg. Co., Ex. "A," Affidavit of Chas. W. Barrett, with exhibit attached, taken on 6/22/16, before W. W. Healey, Notary Public; and Deft. Lost Hills Mg. Co. Ex. "B," Copy Map, Lost Hills and Devil's Den Oil Fields, by J. R. Thornton, of September, 1913; and Peter F. Dunne, Esq., of counsel for defendant Lost Hills Mining Company and Universal Oil Company, having offered two exhibits, which are admitted in evidence on behalf of defendants, to wit: Defts. Ex. "Z," pages 261 to 270, from "Mineral Resources of the United States," 1914; and Defts. Ex. "Z-1," diagram on page 262, volume 2, of "Mineral Resources of the United States," 1914; and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, having offered certain affidavits, which are admitted in evidence and by said counsel read to the court, to wit: Defts. Ex. "C," Affidavit of Chas. W. Barrett, with exhibits attached, taken on 6/22/1916 before W. W. Healey, Notary Public; Defts. Ex. "D," affi-

davit of Samuel F. B. Morse, taken on 8/25/1916 before R. B. Trask, Notary Public; and Defts. Ex. "E," affidavit of Geo. T. Cameron, taken on 7/21/1916 before W. W. Healey, Notary Public; it is, at the hour of 4.25 o'clock P. M., ordered that this cause be, and the same hereby is continued until Monday, the 28th day of August, 1916, at 10 o'clock A. M., for further hearing. [153-A]

---

At a special January Term A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Monday, the twenty-eighth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,

vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 28, 1916—Hearing on  
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also to be further heard on an application

for the appointment of a receiver; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., R. L. McWilliams, Esq., Peter F. Dunne, Esq., and Joseph D. Redding, Esq., appearing as counsel for defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and Joseph D. Redding, Esq., of counsel for defendants as aforesaid, having presented and offered as a part of defendants' defense on motion for injunction *pendente lite* the answer of all defendants to the bill of complaint, and having in part read said answer to the Court, and the reading of said answer having, by stipulation of counsel for the respective parties, been interrupted for the purpose of introducing certain testimony herein; and W. O. Todd [154-A] having been called and sworn as a witness on behalf of defendants on this hearing, and having given his testimony; and Roy A. Bishop, a witness on behalf of defendants, having been recalled for further examination, and having given his testimony; and, in connection with the testimony of said witness, defendants having offered certain exhibits, which are admitted in evidence in their behalf, to wit: Defts. Ex. "A-2" (there being no exhibit marked "A-1"), blue-print, Universal Oil Company, oil pipe-lines, drawn on 3/1/1914, by R. B. M., pipe-line located on Sec. 32-26-21; Defts. Ex. "A-3," blue-print, Universal Oil Company, gas pipe-lines, drawn on 3/1/1914, by R. B. M., pipe-lines located

on Sec. 32-26-21; Defts. Ex. "A-4," blue-print, Universal Oil Company, water pipe-lines, drawing by R. B. M., on 3/1/1914, pipe-lines located on Sec. 32-26-21; Defts. Ex. "A-5", Statement marked "Lost Times Record in Hours, Devil's Den Consolidated Oil Company, 6 Months Ending June 30, 1916"; and Defts. Ex. "A-6," Statement marked "Lost Time Record, Universal Oil Company, Six Months Ending June 30, 1916"; and, after a court recess from the hour of 12:05 o'clock P. M., until the hour of 2 o'clock P. M., of this day, this cause having been again called for further hearing, and counsel and shorthand reporter being present as before; and Roy A. Bishop, a witness on behalf of defendants, having again taken the stand for further examination, and having given his testimony; and Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, having resumed and concluded the reading to the Court of the answer of all defendants to the bill of complaint; and Earl H. Pier, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, having read to the Court the affidavit of Geo. T. Cammeron, [155-A] heretofore filed herein as Defts. Ex. "E"; and Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, having read to the Court the affidavits of Jas. H. Butts and J. D. Martin, and the supplemental affidavits of Chas. W. Barrett and Orlando D. Barton, concerning which counsel for the respective parties stipulate in open court that same may be considered as part of the



defense of defendants and copies may be filed herein later; and said counsel having read to the court on behalf of defendants the affidavit of R. A. Morton, which is to be considered in this case, pursuant to the stipulation of counsel, same being Exhibit "B" in case No. A-57—Equity; it is, at the hour of 4:35 o'clock P. M., by the Court ordered that this cause be, and the same hereby is continued for further hearing until Tuesday, the 29th day of August, 1916, at 10 o'clock A. M. [156-A]

---

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Tuesday, the twenty-ninth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,

VS.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 29, 1916—Hearing on  
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction,

and also to be heard on an application for the appointment of a receiver; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., R. L. McWilliams, Esq., Joseph D. Redding, Esq., and Peter F. Dunne, Esq., appearing as counsel for defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, having offered an affidavit, which is admitted in evidence and read to the court by said counsel, to wit: Defts. Ex. "F," affidavit of E. R. Dudley, taken before C. D. Hamel, Special Agent of the U. S. Land Department on April 8th, 1916; and Thomas H. Means, sworn as a witness in cause No. A-37—Equity, having been called as a witness on behalf [157-A] of defendants, and having given his testimony; and defendants having rested on this hearing, and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having moved the court that he be allowed, on behalf of complainants, to prepare and file an affidavit of C. D. Hamel, to which affidavit will be attached the affidavits of three or four other persons taken before said C. D. Hamel, as Special Agent of the U. S. Land Department, which motion is opposed by Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, it is ordered that said

motion be, and the same hereby is granted, and that, accordingly, complainants be, and hereby are allowed within twenty (20) days to prepare, serve and file said affidavits; and E. D. Latham and J. W. Kingsburg, witnesses heretofore sworn in cause No. A-37—Equity, having been called as witnesses on behalf of complainants in rebuttal, and having given their testimony, and, after a recess of court from the hour of 12 o'clock M., until the hour of 2 o'clock P. M., of this day, this cause having again been called for further hearing, and counsel and shorthand reporter being present as before; and said motion of complainants for a temporary injunction and application for the appointment of a receiver having been argued, in support thereof, by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, and in opposition thereto by Peter F. Dunne, Esq., and Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, and in support thereof in reply by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States; it is, on motion and by agreement of counsel, ordered that this cause be, and the same hereby is submitted to the court for its consideration and [158-A] decision on complainants' motion for an injunction *pendente lite* and application for the appointment of a receiver, and upon the pleadings, exhibits, testimony, affidavits filed and to be filed, and upon briefs which may be prepared, served and filed on behalf of the respective parties as follows, to wit: On behalf of defendants within ten (10) days, and on behalf of

complainants within ten (10) days thereafter, the clerk of this court, being directed to prepare a list of exhibits filed herein, furnishing to the Court, complainants and defendants one copy each. [159-A]

---

At a special term, to wit, the special October Term, A. D. 1916, of the District Court of the United States for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of Fresno, California, on Wednesday, the fourth day of October, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,

Complainants,

vs.

LOST HILLS MINING COMPANY et al.,

Defendants.

**Minutes of Court—October 4, 1916—Order Overruling Defendant's Plea and Objection to Jurisdiction, etc.**

This cause having heretofore been submitted to the Court for its consideration and decision on a plea to the jurisdiction of the court and on a motion for the issuance of an injunction *pendente lite* herein and on an application for the appointment of a receiver; the Court, having duly considered the same

and being fully advised in the premises, now reads its conclusions herein and regarding the matters under submission herein and in causes Nos. A-37—Equity and A-57—Equity, N. D., which conclusions are not at this time filed, and, pursuant to the Court's ruling in said conclusions, it is ordered that defendants' plea and objection to the jurisdiction of this Court herein be, and the same hereby is overruled, and it is further ordered that the motion of complainants for the issuance of an injunction *pendente lite* be, and the same hereby is denied, and it is further ordered that complainants' application for the appointment of a Receiver [160-A] be, and the same hereby is granted for all properties in controversy included in said application for appointment of a receiver except the south half (S.  $\frac{1}{2}$ ) of section 32, township 26 south, range 21 east, M. D. B. & M., an order accordingly to be prepared and presented by counsel for signature and entry.

\* \* \* \* \*

Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having applied to the court for leave to file herein an amended bill of complaint, and having also moved the Court that the ruling of the Court this day made upon the application for appointment of a receiver be modified so as to include within the operation of the receivership the southwest quarter (SW.  $\frac{1}{4}$ ) of section 32, township 26 south, range 21 east, M. D. B. & M., to which application and motion objection is made by Joseph D. Redding, Esq., of counsel for



defendant Lost Hills Oil Company, and Edmund Tauszky, Esq., of counsel for defendant Associated Oil Company, it is ordered that for hearing on said application and motion this cause be, and the same hereby is continued, to be called hereafter for said hearing at San Francisco, California. [161-A]

---

*In the District Court of the United States, in and for  
the Southern District of California, Northern  
Division, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVER-  
SAL OIL COMPANY, and ASSOCIATED  
OIL COMPANY,

Defendants.

**Order Appointing Receiver.**

This suit coming on to be heard on motion of the complainant for the appointment of a receiver and for an injunction, and having been heard on the 21st, 22d, 23d, 24th, 25th, 28th and 29th days of August, 1916.

IT IS NOW CONSIDERED, ORDERED AND ADJUDGED that Howard M. Payne be, and he is hereby appointed receiver,—and until the further order of this Court,—for certain of the properties described in the bill of complaint and herein claimed by the defendants, to wit:

The Northwest quarter and the Southeast quarter of Section Thirty, and the North half of Section Thirty-two, all in Township Twenty-six South, Range Twenty-one East, Mount Diablo Base and Meridian, and situated in Kern County, California, and of the oil and gas already extracted and still in the possession of the defendants, Lost Hills Mining Company and Universal Oil Company.

The said receiver is directed to receive, and the said defendants, the Lost Hills Mining Company and the Universal Oil [162-A] Company, are directed to surrender to said receiver all moneys in their hands or under their control, or in the hands of any person or corporation for them, which are the proceeds of the sale of oil or gas produced from said lands hereinbefore described and such persons holding such funds are directed to pay the same to said receiver; and the said receiver is directed to collect any notes, accounts, or other evidences of debt due or payable on account of the sale of oil and gas produced from said lands and sold by or for said defendants, the Lost Hills Mining Company and the Universal Oil Company.

IT IS FURTHER ORDERED that the receiver keep an accurate account of the quantity and quality of oil and gas hereafter produced from said lands herein described and until the further order of this court that he dispose of and sell the same at the best price or prices obtainable.

Until the further order of this Court the said defendants, Lost Hills Mining Company and Universal

Oil Company are hereby permitted to continue the operation and management of the properties hereinbefore described, and no change is to be made in the present status, management, or method of operation of said properties—by the receiver—without the consent of the said defendants, Lost Hills Mining Company and Universal Oil Company, or by order of the Court made after ten days' notice to the said defendants, other than such as may be necessary to enable said receiver to ascertain the present condition of the said properties and to receive and dispose of the output thereof and to keep a record and account thereof.

IT IS FURTHER ORDERED that the said Universal Oil Company shall render to the said receiver as soon as practicable after the first of each and every month, a statement of the expenses of the management and operation of said properties for the preceding month, and the said receiver shall out of the proceeds of the [163-A] sale of the oil and gas from said properties hereinbefore described pay to the said Universal Oil Company forthwith the amount of said expenses of operating and managing said properties as set forth in said statement.

The receiver shall, within ten days after the settlement with the said Universal Oil Company for expenditures made for the preceding month, make and file with the clerk of this court a report setting forth the quality and quantity of the oil disposed of and the price received therefor, and a statement of the expenses for the operation and management of the properties for the preceding month, and at such time

such recommendations as he may deem advisable to the Court respecting the management and operation of said property, provided that no recommendation made to the Court in reference to the properties shall be acted upon by the Court without ten days notice to both parties and an opportunity to be heard thereon; a copy of said report and recommendations shall be delivered to the solicitors of the parties hereto.

IT IS FURTHER ORDERED AND PROVIDED that the said receiver shall, at all reasonable times, have ingress to and egress from said properties for the purpose of examining the same, and with such assistance as may be reasonable so to do. The said receiver shall also have full access, at all reasonable times, to the books of accounts and records and logs of wells of the said Universal Oil Company with reference to said properties.

In the event the complainant herein desires to make an examination of the said property and wells in addition to the examination herein provided to be made by such receiver, it shall be permitted to make such examination at its own expense.

IT IS FURTHER ORDERED that a bond in the sum of \$25,000.00 to be approved by this Court, shall be given by the receiver within fifteen days from the filing of this order; provided the solicitors for the complainant or for the defendants, [164-A] or either of them, may at any time upon one day's notice to counsel for the opposite parties, apply to the Court for an increase in the amount of said bond.

The moneys coming into the hands of said receiver shall be deposited in The Bank of California, the

National Association in the City of San Francisco, State of California, and shall draw interest at the rate of at least three per cent per annum and shall be deposited in the name of said receiver and shall remain in said bank subject to the further order of this Court, both as to the amounts of money so deposited and the accumulation of interest thereon; PROVIDED that if said bank declines or refuses such rate of interest, then said moneys may be deposited in some other bank to be agreed upon by the parties or to be designated by the Court; PROVIDED that the said receiver, from the moneys received by him each month from the sale and disposition of oil and gas from said properties, may deposit in a bank and in a noninterest bearing account so much of said funds as may be necessary to pay the monthly operating and management expenses and the monthly current expenses of the receiver in the execution of this order; PROVIDED that said receiver shall not have on hand at any one time moneys in excess of Six Thousand Dollars (\$6,000.00) which are not deposited in the Bank of California, the National Association in said interest-bearing account as aforesaid.

The amount of compensation to be paid to the receiver in this suit is to be determined hereafter, but in no event shall said sum, paid as compensation for services to the receiver in this action, together with such sums as may be paid said receiver for services as receiver of other oil and gas properties in suits brought in this court similar to this suit, exceed the sum of Five Thousand Dollars (\$5,000.00) per annum.



Done in open court this 20th day of December, 1916.

R. S. BEAN,  
District Judge. [165-A]

[Endorsed]: In Equity—A-52. In the District Court of the United States, in and for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company, Universal Oil Company, and Associated Oil Company, Defendants. Order Appointing Receiver. Filed Dec. 20, 1916. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer Deputy Clerk. Joseph D. Redding, Morrison, Dunne & Brobeck, San Francisco, California. [166-A]

---

*In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit.*

Honorable ROBERT S. BEAN, Judge Presiding.

IN EQUITY—No. A-37.

UNITED STATES OF AMERICA,

Complainant,

vs.

DEVIL'S DEN CONSOLIDATED OIL COMPANY et al.,

Defendants.

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Complainant,

vs.

LOST HILLS MINING COMPANY, UNIVER-  
SAL OIL COMPANY, and ASSOCIATED  
OIL COMPANY,

Defendants.

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,

Complainant,

vs.

LOST HILLS MINING COMPANY, UNIVER-  
SAL OIL COMPANY,

Defendants.

**Consolidated Statement of the Case in the Above-  
entitled Causes. [1]**

BE IT REMEMBERED that on Monday, the 21st day of August, 1916, the same being one of the juridical days of the regular May, A. D. 1916 Term of the District Court in and for the Southern District of California, Northern Division, sitting, by agreement of counsel and order of the Court, at 10 o'clock A. M., San Francisco, California, the motion of the defendant Devil's Den Consolidated Oil Company to dismiss the bill of complaint on the ground that the above-entitled court had no jurisdiction to try the issues in the above-entitled cause, of United States of America, Complainant, vs. Devil's Den Consol-

idated Oil Company et al., Defendants, In Equity—A-37; and the motion of the Lost Hills Mining Company and the Universal Oil Company to dismiss the bill of complaint on the ground that the above-entitled Court had no jurisdiction to try the issues in the above-entitled cause, of United States of America, Complainant, vs. Lost Hills Mining Company et al., Defendants, In Equity—A-52; and the motion of the defendants, Lost Hills Mining Company and Universal Oil Company to dismiss the bill of complaint on the ground that the above-entitled Court had no jurisdiction to try the issues in the above-entitled cause, of United States of America, Complainant, vs. Lost Hills Mining Company and Universal Oil Company, In Equity—A-57; and the motions for an injunction and a receiver in each of the above-entitled causes, all coming on regularly to be heard in the above-entitled Court before Honorable Robert S. Bean, presiding, the complainant appearing by its solicitors E. J. Justice, Esq., and Frank Hall, Esq., and the defendants appearing by their solicitors Joseph D. Redding, Esq., and Peter F. Dunne, Esq., the following is a full, true and correct transcript of all of the proceedings had therein:

MR. DUNNE.—If your Honor please, the parties in A-52 are the United States, complainant, and the defendants are the Lost Hills Mining Company, the Universal Oil Company and the Associated Oil Company. In A-57 the parties are the United States, complainant, and the defendants are the Lost Hills Mining Company and the Universal [2] Oil Company. In A-57 I understand the Associated is not

a defendant. Those are the parties in the two Lost Hills cases. In the Devil's Den Consolidated Mining Company case, A-37, the United States is complainant, and the defendants are the Devil's Den Consolidated Oil Company, the Associated Oil Company and the Standard Oil Company. The lands involved in the first Lost Hills case, No. A-52, are the northwest quarter and the southeast quarter of section 30, also the northeast quarter and the west half of section 32, both sections being in township 26 south, range 21 east, Mount Diablo meridian. The lands involved in the second Lost Hills case, A-57, are the southwest quarter of section 18 in the same township 26. The lands involved in the Devil's Den Consolidated Mining Company case, No. A-37, are the northeast quarter of section 30, also in that same township number 26. So those are the three cases, and those are the parties, and those are the lands involved, and the question before your Honor this morning, as I understand it, is the question of the jurisdiction of this Court to take cognizance of this litigation.

Mr. HALL.—I have this to suggest with regard to the procedure: that the testimony on the question of our right to a receiver and the evidence that will be offered in support of the motion on the jurisdiction will be largely intermingled and largely the same, and I have to suggest that we proceed to introduce our evidence on both of those questions and then let them both be argued together at the same time.

The COURT.—That is satisfactory to the Court.

Mr. DUNNE.—If I understand Mr. Hall's sug-

gestion, it is that we proceed to take the testimony bearing upon the question of a receiver and an injunction, and then that the whole matter be argued together. We made a motion to your Honor asking you to exercise your discretion to determine, first, this question of jurisdiction, and that motion was granted, and we are here now to discuss the question of jurisdiction. I think it is an important, [3] and, it may be a decisive question in the case, and I desire to present that question uncomplicated with any consideration arising out of the receivership or the injunction, and if your Honor should decide that our position is well taken on the question of jurisdiction, the question of the right to a receiver and the right to an injunction would disappear from the case.

The COURT.—Does the question of jurisdiction depend upon a question of fact?

Mr. DUNNE.—It depends upon a question of law.

The COURT.—Entirely?

Mr. DUNNE.—Yes. There is no dispute about the facts upon which we stand in this jurisdictional plea, and therefore I would ask your Honor to hear that question first.

The COURT.—If it arises upon the papers or the pleadings it can be heard first.

Mr. DUNNE.—I think Mr. Hall will agree with me that there is no difference between us as to the facts, and I think the facts could be stated very briefly by Mr. McWilliams, and we then desire to submit to your Honor very earnestly that there is no jurisdiction in this Court to hear the proceedings, and if that position is well taken then your Honor



will not entertain any application in the matter for an injunction or a receiver.

Mr. HALL.—The absence of Mr. Redding rather embarrasses me somewhat. We have a stipulation all prepared which has not yet been signed by Mr. Redding and myself which covers all of those matters, the introduction of the evidence and the land office records, which I understand are the basis of their present contention that there is no jurisdiction in the case, and I assume that they will be offered in evidence, and that the whole matter would be gone into. I am perfectly willing to take it up in any way, [4] but I want those Land Office proceedings in evidence—the entire proceedings as we have stipulated them—in order that the Court may be fully advised as to what the situation is.

Mr. DUNNE.—That is entirely satisfactory.

The COURT.—You may proceed then with the question of jurisdiction first.

\* \* \* \* \*

Thereupon Mr. McWilliams made the opening statement on behalf of the defendants on the motions to dismiss.

After the making of the opening statement the following proceeding took place:

Mr. DUNNE.—Now, Mr. Hall, about this stipulation. It is here. The stipulation between you and Mr. Redding. Do you want that stipulation to be offered on this hearing?

Mr. HALL.—I think so, yes, because it covers all of the records of the Land Office upon which we are relying and upon which you are relying.

Mr. PIER.—The stipulation was all worked out. There are a couple of suggestions that I want to make. Mr. Redding prepared it and you corrected it. There are two suggestions that I would like to make, that is, that the protest in reference to the stamped protest which the Chief of the Field Division stamped upon the notice of application that there were no actual charges filed, but that the only contest filed was that rubber stamp protest.

Mr. HALL.—The record shows different. They set up in the answer that there was.

Mr. PIER.—But there is not any in the Lost Hills case.

Mr. HALL.—There was.

Mr. PIER.—If there are any such charges filed, I have been unable to find them. [5]

Mr. HALL.—What page of the stipulation do you refer to, Mr. Pier?

Mr. PIER.—Page 13 of the stipulation. Then, in reference to the third stipulation on page 13, you inserted that there were no adverse claims other than that of the United States. We do not want to be construed by that stipulation as acknowledging that the United States had any adverse claim. That is a question that the Court must determine.

Mr. HALL.—Yes. You are not admitting that there were—that the United States had an adverse claim. You are not admitting the validity of that. But there was a protest filed.

Mr. PIER.—I don't think the protest really makes very much difference in the matter one way or the other, but, at the same time, the protest that was filed

up to the time the final receipt was issued was this rubber stamp protest, which I understand under the law is no protest at all.

Mr. HALL.—Here is the letter, Exhibit “Z.” It shows a protest filed against it.

Mr. PIER.—That is all right, then, Mr. Hall.

Mr. DUNNE.—If your Honor please, in A-52—and I suppose it might apply to A-57—we will offer in evidence the stipulation entered into between Mr. Redding and Mr. Hall. I won’t read it. In the argument of the case it may be referred to so far as necessary for the purposes of illustration. And in the Devil’s Den case I will offer in evidence copies of the proceedings, with the consent of Mr. Hall, and a form of Receiver’s receipt, subject to comparison with the original receiver’s receipt which is not here. It was transmitted to the general Land Office. There is a form of that in Exhibit “G.”

Mr. HALL.—It is marked right here. [6]

Mr. DUNNE.—I will use these copies and have them marked as exhibits. Will you mark them, Mr. Clark? That is, the stipulation—Exhibit “A”—and this here in 52 and 57. This will be exhibit “A” in “A-37.”

Mr. HALL.—The stipulation is offered in 37, 57 and 52?

Mr. DUNNE.—No. The stipulation in 52 and 57. You made a suggestion that the stipulation be put in evidence in 37 also, and Mr. Pier suggests that it be offered in evidence in 37. I have no objection so far as it is properly germane to 37. So we have

the stipulation in evidence and we have the papers in 37.

Mr. HALL.—There are many things in the stipulation which apply to all three cases.

Exhibit “A” in “A-52” and “A-57,” as follows:  
[7]

**Exhibit “A”—Stipulation.**

*In the District Court of the United States for the  
Southern District of California, Northern Division,  
Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVER-  
SAL OIL COMPANY and ASSOCIATED  
OIL COMPANY,

Defendants.

**Stipulation.**

The following facts, data and documents hereto attached and made a part of this Stipulation are hereby stipulated, by and between the respective counsel in the above-entitled action, to be correct copies of the originals, and that the copies of any documents hereto attached are to be taken the same as if the originals were hereto attached.

It is furthermore stipulated that upon any proceedings in the above-entitled action in court, the facts, matters, data and documents hereto attached, and which are stipulated to be correct and true copies

of the originals, may be introduced by either party the same as if the originals were offered and with the same force and effect thereof, but subject to objections of counsel as to their relevancy and materiality.

Attached hereto and marked Exhibit "A," and made a part of this stipulation, is a copy of all the papers filed by the Lost Hills Mining Company, one of the defendants herein, in Mineral [8] Entry No. 03431, upon the application of said company for a patent covering the northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty (30), in township twenty-six (26) south, range twenty-one (21) east, M. D. B. & M., Kern County, California, containing one hundred and sixty (160) acres.

Attached hereto and marked Exhibit "B," and made a part of this stipulation, is a copy of all of the papers filed by the Lost Hills Mining Company, one of the defendants herein, in Mineral Entry No. 03432, upon the application of said Company for a patent covering the southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty (30), in township twenty-six (26) south, range twenty-one (21) east, M. D. B. & M., Kern County, California, containing one hundred and sixty (160) acres.

Attached hereto and marked Exhibit "C," and made a part of the stipulation, is a copy of all of the papers filed by the Lost Hills Mining Company, one of the defendants herein, in Mineral Entry No. 03457, upon the application of said company for a patent covering the northeast quarter (NE.  $\frac{1}{4}$ ) of section thirty-two (32), in township twenty-six (26) south, range twenty-one (21) east, M. D. B. & M.,



Kern County, California, containing one hundred and sixty (160) acres.

Attached hereto and marked Exhibit "D," and made a part of this stipulation, is a copy of all of the papers filed by the Lost Hills Mining Company, one of the defendants herein, in Mineral Entry No. 03459, upon the application of said company for a patent covering the southwest quarter (SW.  $\frac{1}{4}$ ) of section thirty-two (32), in township twenty-six (26) south, range twenty-one (21) east, M. D. B. & M., Kern County, California, containing one hundred and sixty (160) acres.

Attached hereto and marked Exhibit "E," and made a part [9] of this stipulation, is a copy of all the papers filed by the Lost Hills Mining Company, one of the defendants herein, in Mineral Entry No. 03448, upon the application of said company for a patent covering the northwest quarter (NW.  $\frac{1}{4}$ ) of section thirty-two (32) in township twenty-six (26) south, range twenty-one (21) east, M. D. B. & M., Kern County, California, containing one hundred and sixty (160) acres.

It is furthermore stipulated that the following is a true and correct copy of a letter of the Commissioner of the General Land Office, dated Washington, November 29th, 1915, clear-listing the southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. B. & M., containing one hundred and sixty (160) acres, Kern County, California: "In reply

please refer to Visalia 03458 "FS" LEE.

1 x CFD.

1 x JDR.

1 x Dept. Justice.

## DEPARTMENT OF THE INTERIOR.

General Land Office.

Washington, November 29, 1915.

Mineral Application,  
Clear Listed.

Chief of Div. "N."

Sir: December 2, 1911, the Lost Hills Mining Company made Mineral application No. 03458 for the Fog Horn Placer mining claim embracing the SE.  $\frac{1}{4}$  of Sec. 32, T. 26 S., R. 21 E., M. D. M.

The said land was included in Petroleum Reserve No. 13, by Executive Order of October 7, 1910. No other existing withdrawals affect this land.

There has been received in the record reports by special agents and a mineral inspector of this office, in which it is shown that the tract is petroleum bearing in character, and has been developed to a state of high production of this mineral.

The claim was located February 14, 1907, by O. D. Barton, W. B. Wallace, Sarah McCord, C. A. Butts, Hugh McPhaill, A. Levis, R. C. Hardin and A. H. Murry, Jr. At the same time these persons with 28 others also located some 22 other tracts in the vicinity. [10] Some two years or more after location, the said locators organized the Lost Hills Mining Company, a corporation, the present applicant. The several locations were transferred to the said

corporation, each interested person receiving his proportionate share of the stock issued.

It thus appears that there exists no reason for questioning the good faith and regularity of the said Fog Horn location.

As to the question of development work looking to the discovery of oil, the applicant makes the following statements:

“That the applicant is now and ever since March 18, 1909, has been the owner and a *bona fide* claimant and occupant of a group of four adjacent placer mining claims, embracing the whole of Sec. 32, T. 26 S., R. 21 E., M. D. M., containing an area of 640 acres, under and by virtue of four locations duly made under the laws of the United States relating to what are commonly called placers and lands chiefly valuable for petroleum, by association of eight persons and conveyances of said claims by the locators to the applicant on March 18, 1909.

That acting under the authority given it by an Act of Congress approved February 12, 1903 (32 Stat. L. 825), the applicant undertook to develop said mining claims as a group and accordingly in the month of July 1910, placed an oil well drilling rig upon the SW.  $\frac{1}{4}$  of said Sec. 32, and in the S. E. corner thereof, and during the months of July, August and September, of the year 1910, bored a well with said rig to a depth of about 400 feet, wherein and whereby such a showing of petroleum was discovered as proved that a deposit of petroleum

existed on said Sec. 32, which would yield petroleum in paying quantities when properly developed.

Said well was drilled so close to the line between the SW.  $\frac{1}{4}$  and SE.  $\frac{1}{4}$  of said Sec. 32, that it showed that such deposit of petroleum existed on the SE.  $\frac{1}{4}$  of said Section as well as upon the SW.  $\frac{1}{4}$  thereof.

That as soon as said well was drilled, applicant began further development of the said group of claims by procuring another oil well drilling rig and commencing the drilling of a well therewith at a point upon what it thought was the Northern part of the SE.  $\frac{1}{4}$  of said Section 32, but which in fact was at a point upon the NE.  $\frac{1}{4}$  of said Section 32, located 750 feet East of the center of said Section and 80 feet North of the North line of the SE.  $\frac{1}{4}$  of said Section 32.

That said last mentioned rig was located on the NE.  $\frac{1}{4}$  instead of the SE.  $\frac{1}{4}$  of said Sec. 32, account of the great difficulty which then existed in the matter of locating the survey stakes.  
[11]

That said last-mentioned rig was placed in the location last above-described on October 1, 1910, and the drilling of a well at once begun and diligently continued to a depth of about 831 feet; that said well disclosed and developed a deposit of petroleum which produces through said well at the rate of 750 barrels of petroleum per day and demonstrates that such deposit exists upon

the SE.  $\frac{1}{4}$  of said Sec. 32, as well as upon the NE.  $\frac{1}{4}$  thereof account of the fact that said well is only 80 feet North of the North line of said SE.  $\frac{1}{4}$ .

That account of the results of the above-mentioned work, applicant drilled another well on the SE.  $\frac{1}{4}$  of said Sec. 32, at a point in the Northwest corner thereof about 500 feet Southeast of the center of the said section to a depth of about 835 feet, in and by which a deposit of petroleum has been developed which produces through and by means of said well at the rate of 200 barrels of petroleum per day."

A further claim to title is asserted on alleged discovery and exploitation of gypsum deposits, but in view of the facts adverse to such a proposal reported by the mineral inspector, I am not disposed to a favorable consideration of such claim.

Relative to the alleged discovery well on the SW.  $\frac{1}{4}$  of Sec. 32, and the one said to have been spudded in on the NE.  $\frac{1}{4}$  of Sec. 32, under the erroneous belief that it was on the SE.  $\frac{1}{4}$  of that section, the agent has reported the following evidence:

Affidavit of O. D. Barton, who made oath to the statements quoted above from the application,—

" \* \* \* The next rig to start drilling was on the SW.  $\frac{1}{4}$  of Sec. 32. It was the rotary rig. It arrived there about July 8, 1910, and commenced drilling immediately. The rig ran whenever they could get water for it, the rest of the season. They only got down to between 400 and 500 and I don't think got any oil,



\* \* \* I think the next rig was the Prestage rig which arrived September 24, 1910, in NE.  $\frac{1}{4}$  Sec. 30. On August 2, 1910, a gas rig was onto the NE.  $\frac{1}{4}$  of Sec. 32, but did not start drilling for a long time. Something was wrong with it and it would not start. A short time after the Prestage rig, M. K. Flynn brought in a gas rig and placed on the NE.  $\frac{1}{4}$  Sec. 32, and remained there until March, 1911."

Affidavit of L. E. Prestage,—

" \* \* \* W. K. Flynn brought a portable rig over to what I thought was the W. $\frac{1}{2}$  SE.  $\frac{1}{4}$  Sec. 32, and began drilling. This was the first rig on Sec. 32. Several rigs moved on to Sec. 32 shortly after Flynn began drilling. Flynn moved his rig into Sec. 32, several weeks after I began drilling, perhaps early in October. Mr. Flynn did not complete the well, but Dudley, and Martin put a rig of their own and completed it." [12]

Affidavit of Walter C. Moran,—

" \* \* \* After July 5, 1910, and prior to July 17, 1910, a portable rotary drilling rig was placed on the Southwest quarter of said section 32, by said Martin and associates, which drilling rig was in charge of one Barden, who drilled a well down 375 feet, and that said drilling rig is still on said SW.  $\frac{1}{4}$  of said Sec. 32; that there was no drilling rig or well on the Northwest quarter of said Section 32. \* \* \* Affiant further states that on or about October 1, 1910, a gasoline drilling rig was brought down by one

W. Ireland, onto the SE.  $\frac{1}{4}$  of said Sec. 32, from Sec. 29, T. 25 S., R. 20 E., that on or about November 10, 1910, an American drilling rig was moved on the southeast quarter of said Section 32, and commenced drilling; that the aforesaid gasoline drilling rig on the said SE.  $\frac{1}{4}$  of said Section 32, was moved upon the northwest quarter of said Sec. 32, on or about November 10, 1910; that on November 10, 1910, one W. K. Flynn came on the NE.  $\frac{1}{4}$  of said Section 32, bringing his own gasoline drilling rig with him and started drilling a well on said NE.  $\frac{1}{4}$  of said Section 32." \* \* \*

*Affidavit of Harvey G. Chase,—*

" \* \* \* that while in said employ from September 1, 1910, to October 1, 1910, he worked as a driller on an oil drilling rig on the southwest quarter of said Section 32, that while in said employ he worked as a driller on an oil drilling rig from November 8, 1910, to November 10, 1910, inclusive, on the southeast quarter of said Sec. 32; that while in said employ he worked as a driller on the oil drilling rig from November 14, 1910 to December 15, 1910, on the southeast quarter of said Sec. 32, \* \* \* ."

*Affidavit of W. K. Flynn,—*

" \* \* \* that on October 1, 1910, he brought an oil drilling rig on the southeast quarter of said Section 32; that on November 12, 1910, while in said employ he brought an oil drilling rig on the NE.  $\frac{1}{4}$  of said Sec. 32, and proceeded to bore a well, and on December 28, 1910, dis-

covered oil at a depth of 345 feet; affiant further states that on October 1, 1910, there was no house, barn or improvements of any kind on said Sec. 32 except a small cabin and shed on the said SE.  $\frac{1}{4}$  known as the Anderson cabin \* \* \* that on or about November 12, 1910, he saw an American drilling rig on the SE.  $\frac{1}{4}$  of said Section 32, which was drilling a well."

Affidavit of H. E. Covey,—

" \* \* \* I was instructed to prepare to drill at what is now Universal 1 on Sec. 32 (shown on map to be on NE.  $\frac{1}{4}$  close to south boundary and about 700 or 800 feet east of center of section) at noon on January 26, 1911. I recall this from a time book which I [13] have in my possession. I was instructed to take a Star portable rig to Well 1 to continue the work which W. Flynn had been doing. Flynn had been working up on Section 8, near me, but some time about the middle of November, 1910, he moved his rig to 1 on 32, to start the second well on that section. Flynn worked on contract with Martin and Dudley at the rate of \$8.00 per day for himself and the use of his gasoline drilling rig. When I got the Star rig to the well Flynn had left. We pulled his rig a little off to one side and moved the Star rig over the hole, where it remained until oil was struck on May 8, 1911. At that time there were about 552 feet of casing in the hole, but it had been drilled 580 feet. \* \* \* I stated that Universal 1 when begun was the second work

on Section 32. The first work undertaken on that Section was on the SW.  $\frac{1}{4}$  to the west of the house, in which I used to live. This work was started about the time I came out to the fields to work. I never saw the rotary rig at work. I do not know how deep the hole was that was drilled there. The first that I had to do with the outfit was help take down the outfit when it was moved on to old 1, on Eighteen. No other rig took its place. This tearing down occurred sometime about the end of February, 1911,  
\* \* \* "

Affidavit of J. D. Martin,—

" \* \* \* the first rotary rig which we purchased was the Livingston rig. I could not tell the exact date this rig reached Sect. 32, but from the facts our first payment on account was made April 4, 1910. We had this rig up as soon as it could be shipped from the McKittrick district; we hauled it over with teams from McKittrick; hurrying the delivery as fast as possible and got it to the property probably within 30 days from April 4, 1910. As soon as possible we began drilling on the southwest quarter of Sec. 32, with this rig and I am satisfied in my own mind, however, that we drilled to at least 400 feet. I was not present myself when the rig was moved from the Southwest quarter to the Northeast quarter—my best recollection is we had a showing of oil and had some difficulty with the hole, it being crooked or something of that sort, and we then moved the rig over to the Northeast

quarter of Sec. 32, and proceeded to drill what is known as well No. 1, on Sec. 32; the exact date when this rig was moved over to Sec. 32, I do not recall, but it must have been in the spring, or early summer, of 1910; the well was not completed with this rotary rig; we did go to some depth, however, and later W. K. Flynn moved his gasoline rig on this well from Sections 6, 22, 26, I do not recall how long he worked on the well, later we placed standard equipment on it and continued drilling. The well was not complete when we sold it and was later completed by the Universal Oil Company." [14]

You will observe from the foregoing, which appears to be about all the evidence available, that there is some question as to whether the first efforts leading to a discovery of oil or gas on this tract were initiated prior to the withdrawal of October 7, 1910. The evidence is not clear on the question of whether or not actual drilling on this land began prior to the withdrawal. It has been sought by the applicant to apply the provisions of the act of February 12, 1903 (32 Stat. 825) based upon the alleged discovery in the 400-foot well on the SW.  $\frac{1}{4}$  Sec. 32, and the inception of development work prior to withdrawal and subsequent discovery in the case of Universal Well No. 1, believed by the applicant at the time work on it was commenced to be situated on the SE.  $\frac{1}{4}$  of the said Sec. 32.

From the facts reported, I am unwilling to concede discovery in the 400-foot well on the SW.  $\frac{1}{4}$  which well appears to have been abandoned, some-



time prior to withdrawal of the land, and adverse proceedings have been directed against the application (03459) covering the SW.  $\frac{1}{4}$ . Attention is also called to the further fact that Universal Well No. 1 relied upon in this case is also relied upon as the discovery well for mineral application 03457, by the same applicant, for the NE.  $\frac{1}{4}$  of said Sec. 32. Adverse proceedings have also been directed against that application charging no discovery prior to withdrawal of September 27, 1909, and absence of diligent prosecution of work leading to discovery of oil or gas at date thereof.

As to the allowance of the application to the said Fog Horn placer claim as development work of the labor performed upon any other claim attention is called to the decision of the California Supreme Court, rendered in the case of Smith vs. Union Oil Company (135 Pac. 968), which as to this particular feature, is not unlike this one. The Court, for reasons therein stated, held the said act of February 12, 1903, inapplicable. This decision was rendered some time after the Pickett Act and the act of March 2, 1911 (36 Stat. 1015) were approved.

In view, however, of the fact that at date of withdrawal the applicant appears to have been in diligent prosecution of labor looking to the discovery of oil, at least at one point, which as the result of an erroneous survey was at that time believed to be upon this claim, and, according to some of the evidence submitted, on the land itself; and in view of the large equities of the applicant company apparent in the extensive development of this particular claim,

and the fact that the adjudication of this claim involves no parties other than the government itself and the applicant, I am disposed to the belief that the claimant should receive the benefit of the doubt here existing, and in the absence of other material objection, should receive patent.

I have, therefore, directed that the application be referred to your division for this purpose.

Very respectfully,

CLAY TALLMAN,  
Commissioner.

D. A. MILLRICK. [15]

IT IS FURTHERMORE STIPULATED that the following are the dates when the applications for patents of the lands involved in the above-entitled action were filed in the Visalia Land Office:

NE $\frac{1}{4}$  of Sec. 32, Eagle Placer Mining Claim,  
#03457, December 2, 1911;

NW $\frac{1}{4}$  of Sec. 32, Petroleum Placer Mining Claim,  
#03448, November 25, 1911;

SW $\frac{1}{4}$  of Sec. 32, Judge Placer Mining Claim,  
#03459, December 2, 1911;

SE $\frac{1}{4}$  of Sec. 30, Signal Placer Mining Claim,  
#03432, November 18, 1911;

NW $\frac{1}{4}$  of Sec. 30, Lost Hills Placer Oil Mining Claim,  
#03431, November 18, 1911.

IT IS HEREBY STIPULATED that attached thereto, and marked Exhibits "F," "G," "H," "I," and "J," are true and correct copies of the receipts issued by the United States Land Office under date of February 24, 1912, to the Lost Hills Mining Company, for the payment of the purchase price to the

Government on the aforesaid application for patents, as follows:

Receipt on Mineral Application, Serial No. 03448, of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., in the sum of Four Hundred Dollars (\$400.00).

Receipts on Mineral Application, Serial No. 03459, of the northeast quarter (NE $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., in the sum of Four Hundred Dollars (\$400.00).

Receipt on Mineral Application, Serial No. 03459, of the southwest quarter (SW $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., in the sum of Four Hundred Dollars (\$400.00).

Receipt on Mineral Application, Serial No. 03432, of the [16] southeast quarter (SE $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, M. D. M., in the sum of Four Hundred Dollars (\$400.00).

Receipt on Mineral Application, Serial No. 03431, of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, M. D. M., in the sum of Four Hundred and Five Dollars (\$405.00).

IT IS FURTHERMORE STIPULATED that said moneys were paid by the Lost Hills Mining Company to the United States Government and received by the United States Land Office in accordance with the said receipts.

IT IS FURTHERMORE STIPULATED that the procedure called for under the statutes of the United States and the Rules and Regulations of the Land Department of the United States, following upon the filing of the application for patents to the lands involved in this action, and up to the payment of the moneys for said lands last above stipulated, was duly pursued and followed by the Lost Hills Mining Company, one of the defendants in this action.

IT IS FURTHER STIPULATED that Geo. W. Stewart, as Register of the General Land Office at Visalia, California, did, on the 20th day of November, 1911, give notice in writing to the Commissioner of the General Land Office at Washington, D. C., of the filing of the Mineral Application on the 18th day of November, 1911, by the Lost Hills Mining Company, for the Lost Hills Placer Mining Claim, being the northwest quarter (NW $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, M. D. M., Kern County, California, the same being Mineral Application, Serial No. 03431.

IT IS FURTHER STIPULATED that Geo. W. Stewart, as Register [17] of the General Land Office at Visalia, California, did, on the 20th day of November, 1911, give notice in writing to the Commissioner of the General Land Office at Washington, D. C., of the filing of the Mineral Application, on the 18th day of November, 1911, by the Lost Hills Mining Company, for the Signal Placer Mining Claim, being the southeast quarter (SE $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-



one (21) east, M. D. M., Kern County, California, the same being Mineral Application, Serial No. 03432.

IT IS FURTHER STIPULATED that Geo. W. Stewart, as Register of the General Land Office at Visalia, California, did, on the 27th day of November, 1911, give notice in writing to the commissioner of the General Land Office at Washington, D. C., of the filing of the Mineral Application on the 25th of November, 1911, by the Lost Hills Mining Company, for the Petroleum Placer Mining Claim, being the northwest quarter ( $NW\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., Kern County, California, the same being Mineral Application, Serial No. 03448.

IT IS FURTHER STIPULATED that Geo. W. Stewart, as Register of the General Land Office at Visalia, California, did, on the 4th day of December, 1911, give notice in writing to the Commissioner of the General Land Office at Washington, D. C., of the filing of the Mineral Application on the 2d day of December, 1911, by the Lost Hills Mining Company, for the Eagle Placer Mining Claim, being the northeast quarter ( $NE\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., Kern County, California, the same being Mineral Application No. 03457.

IT IS FURTHER STIPULATED that Geo. W. Stewart, as Register of the General Land Office at Visalia, California, did, on the 4th day of December, 1911, give notice in writing to the Commissioner [18] of the General Land Office at Washington, D. C., of the filing of the Mineral Application on the



2d day of December, 1911, by the Lost Hills Mining Company, for the Judge Placer Mining Claim, being the southwest quarter (SW $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., Kern County California, the same being Mineral Application No. 03459.

IT IS FURTHERMORE STIPULATED, as a fact, that Geo. W. Stewart, the Register of the Land Office at Visalia, California, did, on the 29th day of February, 1912, transmit to the Commissioner of the General Land Office, Department of the Interior, Washington, D. C., a complete record in the Mineral Applications covering the lands involved in this action, namely, Mineral Applications Nos. 03431, 03432, 03457, 03459 and 03448, and did transmit a complete record with a letter in each instance, and covering each application. That attached hereto and made a part of this stipulation, and marked Exhibits "K," "L," "M," "N" and "O," are true copies of the letters of transmittal.

IT IS STIPULATED AS A FACT, that in each of the five notices of application for patents covering the lands involved in this action, a copy of the notice of application for patent in each instance, was forwarded by the Register to the Chief of the Field Division of the General Land Office in San Francisco, California.

IT IS STIPULATED as a fact, that the Acting Chief of the Field Division, A. O. White, returned the said notice of application for patent in each of said applications, and covering the lands involved in this action, to the Register at Visalia, California, and

upon each of the notices of application for patent so returned, the said Acting Chief of Field Division, A. O. White, stamped thereon a printed statement in red ink (the underlined portions thereof being written in black ink), which read as follows: [19]

“PROTEST

against the validity of this  
entry is filed in this office.

A. O. White

Acting Chief of Field Division

Jan. 31, 1912.

(Date).”

IT IS STIPULATED that said notices so returned, were received by the Register on February 2d, 1912.

IT IS FURTHERMORE STIPULATED to be a fact that the records of the Land Office show that there were no adverse claims, other than that of the United States, or third parties claiming any rights to the lands involved in this action and involved in the said applications for patents hereinabove referred to and set forth herein.

IT IS FURTHER STIPULATED as a fact that on the 13th day of February, 1907, O. D. Barton, J. N. Hoyt, H. J. Light, W. B. Wallace, W. F. Hall, J. W. McCord, J. H. Butts and F. R. Hight, each and all of whom were then and there citizens of the United States, did enter upon and take possession of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, for the purpose of making a placer mining location thereon

under the laws of the United States relating to the location of lands usually known as "placers," and did, in the carrying out of said purpose, post, in accordance with the laws relating thereto, a notice of location, and did file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M. in Book 40 of Mineral Records, page 240, a true copy of which said notice of location is set forth in Exhibit "A," but the plaintiff by this stipulation does [20] not admit that said location or the notice thereof was legal and valid.

IT IS FURTHER STIPULATED as a fact that on the 14th day of February, 1907, Adolph Levis, Wm. Linderman, R. C. Hardin, S. W. Hall, F. T. Hall, W. B. Wallace, Seth Smith and C. A. Butts, each and all of whom were then and there citizens of the United States, did enter upon and take possession of the southeast quarter ( $SE\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, for the purpose of making a placer mining location thereon under the laws of the United States relating to the location of lands usually known as "placers," and did, in the carrying out of said purpose, post, in accordance with the laws relating thereto, a notice of location, and did file for record in the office of the County Recorder of the County of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907,

at ten minutes past nine o'clock A. M., in Book 40 of Mineral Records, page 293, a true copy of which said notice of location is set forth in Exhibit "B," but the plaintiff by this stipulation does not admit that said location of the notice thereof was legal and valid.

IT IS FURTHER STIPULATED as a fact that on the 14th day of February, 1907, H. Widmer, J. H. Butts, J. W. McCord, J. N. Hoyt, J. Gillespie, A. R. Orr, H. J. Light and W. B. Wallace, each and all of whom were then and there citizens of the United States, did enter upon and take possession of the northwest quarter (NW $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, for the purpose of making a placer mining location thereon under the laws of the United States relating to the location of lands usually known as [21] "placers," and did, in the carrying out of said purpose, post, in accordance with the laws relating thereto, a notice of location, and did file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M., in Book 40 of Mineral Records page 292, a true copy of which said notice of location is set forth in Exhibit "E," but the plaintiff by this stipulation does not admit that said location or the notice thereof was legal and valid.

IT IS FURTHER STIPULATED as a fact that on the 14th day of February, 1907, H. J. Hoyt, F. R. Hight, L. M. Fredricks, A. R. Orr, H. Widmer, C. A.



Butts, Sarah McCord and W. B. Wallace, each and all of whom were and then and there citizens of the United States, did enter upon and take possession of the northeast quarter ( $NE\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, for the purpose of making a placer mining location thereon under the laws of the United States relating to the location of lands usually known as "placers," and did, in the carrying out of said purpose, post, in accordance with the laws relating thereto, a notice of location, and did file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M., in Book 40 of Mineral Records, page 287, a true copy of which said notice of location is set forth in Exhibit "C," but the plaintiff by this stipulation does not admit that said location or the notice thereof was legal and valid.

IT IS FURTHER STIPULATED as a fact that on the 14th day [22] of February, 1907, W. B. Wallace, J. H. Butts, J. W. McCord, H. J. Hoyt, A. R. Orr, F. R. Hight, John Anderson and H. Widmer, each and all of whom were then and there citizens of the United States, did enter upon and take possession of the southwest quarter ( $SW\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21), east, Mount Diablo Meridian, for the purpose of making a placer mining location thereon under the laws of the United States relating to the location of lands usually known as "placers,"



and did, in the carrying out of said purpose, post, in accordance with the laws relating thereto, a notice of location, and did file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M., in Book 40 of Mineral Records, page 288, a true copy of which said notice of location is set forth in Exhibit "D," but the plaintiff by this stipulation does not admit that said location or the notice thereof was legal and valid.

That thereafter, and on the 18th day of March, 1909, said locators made, executed and delivered their deed, wherein and whereby they granted, bargained, sold and conveyed all of the lands involved in this suit, together with other lands, to the Lost Hills Mining Company, a corporation, one of the defendants in this action, and all of their right, title and interest therein; that hereto attached and marked Exhibit "P," and made a part of this stipulation, is a true and correct copy of the original deed just last above mentioned, which deed was duly recorded in the County Records of the county of Kern, State of California, on the 1st day of May, 1909, in Book 209 of Deeds at page 394.

IT IS FURTHER STIPULATED that the said defendant, Lost Hills Mining Company, was at all the times mentioned in this suit, [23] and now is, a corporation organized and existing under the laws of the State of California and authorized and empowered to locate mining claims upon the public

lands of the United States, under the provisions of Chapter 6, Title 32, of the Revised Statutes of the United States and that Act of Congress of February 11, 1897, Chapter 216, entitled "An act to Authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer mining laws of the United States," and all acts amendatory thereof and supplementary thereto and under the provisions of said Acts of Congress and said laws of the United States to make application for and obtain patent therefor, and for any other mining claims which may have theretofore been granted, transferred, conveyed, sold and set over to it.

IT IS FURTHERMORE STIPULATED that at a regular meeting of the Lost Hills Mining Company, one of the defendants herein, held at the office of the Company at Hanford, California, April 10th 1909, there was passed a resolution authorizing the acceptance of the said deed mentioned above as Exhibit "P."

IT IS FURTHERMORE STIPULATED that the following is a true copy of a resolution passed by the Directors of the Lost Hills Mining Company, one of the defendants herein, at a meeting duly called and held at the office of the Company on July 8th, 1909, at Hanford, California:

"RESOLVED: That the contract heretofore entered into by the predecessors in interest of this Company with C. W. Barrett, for the development of the lands now owned by this Company in what is known as the 'Lost Hills,' in Kern County, and which contract was made in

the year 1908, did, by failure of said C. W. Barrett to comply with the provisions of said contract, terminate and end on July 2d, 1909, and that said Barrett has no interest in any of said lands by virtue of the said contract."

IT IS FURTHER STIPULATED that hereto attached and marked [24] Exhibit "Q," and made a part of this stipulation, is a true and correct copy of the agreement made and entered into on the 19th day of December, 1908, by and between all of the original locators of the lands involved in this action, parties of the first part, and Charles W. Barrett, of San Jose, California, party of the second part, which said contract was duly recorded on March 16th, 1909, in Book 18 of Agreements, page 134, Kern County Records.

IT IS FURTHER STIPULATED that hereto attached and marked Exhibit "R," and made a part of this stipulation, is a true and correct copy of the original agreement made on the 27th day of October, 1909, by and between the Lost Hills Mining Company, a corporation, one of the defendants in this action, party of the first part, and J. D. Martin and E. R. Dudley, parties of the second part, the said contract covering, among other lands, the west half ( $W\frac{1}{2}$ ) and southeast quarter ( $SE\frac{1}{4}$ ) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, M. D. M., Kern County, California.

IT IS FURTHER STIPULATED that hereto attached and marked Exhibit "S," and made a part of this stipulation, is a true and correct copy of the original agreement made on the 27th day of October,

1909, by and between the Lost Hills Mining Company, a corporation, one of the defendants in this action, party of the first part, and J. D. Martin and E. R. Dudley, parties of the second part, covering and referring, among other lands, to all of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., Kern County, California.

IT IS FURTHER STIPULATED that hereto attached and marked Exhibit "Y," and made a part of this stipulation, is a true and correct copy of the original agreement made and entered into on the 8th day of November, 1909, by and between the Lost Hills Mining [25] Company, a corporation, one of the parties defendant in this action, and J. D. Martin and E. R. Dudley, covering the lands involved in this action.

IT IS FURTHER STIPULATED that hereto attached and marked Exhibit "U," and made a part of this stipulation, is a true and correct copy of the original agreement made and entered into on the 2d day of November, 1910, by and between the Lost Hills Mining Company, a corporation, one of the defendants in this action, and J. D. Martin and E. R. Dudley, and referring to the lands involved in this action.

IT IS FURTHER STIPULATED that on the 27th day of June, A. D. 1916, Franklin K. Lane, Secretary of the Interior of the United States, addressed to Joseph E. Redding, and that on or about July 1st, 1916, Joseph D. Redding, who is the same



person as Joseph E. Redding, referred to in said letter, received said letter, which is as follows, to wit:

“June 27, 1916.

Dear Mr. Redding:

I have considered the applications filed by you on behalf of the Lost Hills Mining Company and the Devil's Den Consolidated Oil Company for contracts under the Act of August 25, 1914 (38 Stat., 708), covering premises embraced in mineral applications by those Companies in Sections 30 and 32, T. 26 S., R. 21 E., Visalia land district.

Inasmuch as the tracts sought to be covered by these contracts are involved in suits brought by the Department of Justice to quiet title in the United States and for an accounting and receivership, and since recent advice from the Attorney General is to the effect that steps will be taken in the very near future for the appointment of a receiver, I am of the opinion that it would be inadvisable to enter into these contracts and therefore I am constrained to deny the applications.

Cordially yours,

(Sgd.) FRANKLIN K. LANE.

Mr. Joseph E. Redding,

Attorney at Law,

Crocker Building,

San Francisco, California.” [26]

IT IS FURTHER STIPULATED that hereto attached and marked Exhibits “V,” “W,” “X,” “Y” and “Z,” and made a part of this stipulation, are true and correct copies of the communications from the Commissioner of the General Land Office



to the Register and Receiver of the United States Land Office at Visalia, California, directing adverse proceedings against the applications for patent on the lands involved in this suit and of the notification by the Register to the defendants in the said suits following upon said direction of adverse proceedings.

IT IS FURTHERMORE STIPULATED that hereto attached and marked Exhibit "AA," is a true and correct copy of the answer filed by the Lost Hills Mining Company to the charges and the adverse proceedings last above mentioned, and covering the lands involved in this action.

IT IS FURTHERMORE STIPULATED that the said Exhibit "AA," although it only refers to one of the quarter sections involved in this action, is the same answer as has been filed covering the other quarter sections and all of the lands involved in this action, and can be taken as being a true and correct copy of each of the answers filed by the defendant, Lost Hills Mining Company, to said charges and to said adverse proceedings, except as to the description of the land and the number of the application.

IT IS FURTHERMORE STIPULATED that the said answers were filed and that the cases are at issue in the said land office in pursuance of said charges and said answers; that certain testimony has already been taken in said cases, and that the time within which testimony can be taken is still open and has not expired, and that there has been no final hearing upon said adverse proceedings in the said land office; and that upon the application for the appoint-

ment of a Receiver and temporary injunction and upon the motion to [27] dismiss on the ground of the lack of jurisdiction of this Court, either party may introduce any of the proceedings, documents, depositions and matters of record which have been taken and filed in the course of said contest and adverse proceedings. [28]

EXHIBIT "A."

Nov. 18, 1911.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03431-679375.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the LOST HILLS  
PLACER OIL MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County California.

## INDEX.

	Pages
Application for Patent .....	1- 7
Supplemental and Corroborative Affidavit....	8-11
Notice of Location .....	12-13
Certified Copy of Articles of Incorporation....	14-17
Resolution Appointing Agent .....	18-19
Proof of Improvements .....	20-24
Affidavit of Non-existence of Lode or Vein ....	25-26
Affidavit of Disinterested Witnesses .....	27-28
Proof of Posting Notice upon Claim.....	29-31
Publisher's Contract .....	32-33
Authority to Send Notices .....	34

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the LOST HILLS  
PLACER OIL MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

APPLICATION FOR PATENT.

To the Register and Receiver of the United States  
Land Office, Visalia, California.

State of California,

County of Tulare,—ss.

O. D. Barton, being duly sworn according to law,  
upon his oath deposes and says:

Affiant's Authority and Address.

That he is a citizen of the United States over the  
age of twenty-one years, whose postoffice address is  
Visalia, Tulare County, California, and that he is  
the person duly designated, authorized and em-  
powered by resolution of the Board of Directors of  
the Lost Hills Mining Company, a corporation, to  
make on its behalf all necessary affidavits and other  
instruments in writing pertaining to an applica-  
tion by said company for United States Patent to  
the Lost Hills Placer Oil Mining Claim, as fully  
appears from a duly certified copy of said resolu-  
tion [30] filed with this application.

**Company's Qualification and Address.**

That the Lost Hills Mining Company is a corporation duly created, organized and existing under the laws of the State of California, and has its office and principal place of business in the City and County of San Francisco, State of California, and without the Land District in which the land involved in this application is situate; that its postoffice address is 221 Crocker Building, said City and County of San Francisco; that the directors of said corporation are each and all of them citizens of the United States.

**Placer Location.**

That on February 13, 1907, the NW.  $\frac{1}{4}$  of Section 30, T. 26 S. R. 21 E., M. D. M., situate in the County of Kern, State of California, was public land of the United States, open to location and appropriation under the laws of the United States relating to what are commonly known as "Placers," and lands chiefly valuable for petroleum, and on said date O. D. Barton, J. N. Hoyt, H. J. Light, W. B. Wallace, W. E. Hall, J. W. McCord, J. H. Butts and F. R. Hight, each and all of whom were then citizens of the United States, duly located said quarter section of land under the laws of the United States aforesaid as the Lost Hills Placer Mining Claim, as more fully appears by the duly certified copy of notice of location filed herewith, which is hereby referred to and made a part hereof.

**Transfer to and Ownership of Company.**

That thereafter and on March 18, 1909, the above named locators, by deed duly executed and delivered



to the said company conveyed the said placer mining claim and the land above described, and all of their right, title and interest therein, to the Lost Hills Mining Company, the applicant herein, all [31] of which more fully appears by the duly certified abstract of title on file in this proceeding, which is hereby referred to and made a part hereof.

#### Possession.

That ever since February 13, 1907, the land hereinbefore described has been in the actual, peaceable, open, notorious, continuous, exclusive and undisturbed possession of the Lost Hills Mining Company, the applicant herein, and its predecessors in interest, the locators hereinbefore named, and during each year since the year 1907, more than \$100.00 has been expended upon said land in the way of work and improvements thereon and in the development thereof and in the doing of the annual assessment work required by the laws of the United States.

#### Development Work.

That the applicant has opened up and developed an extensive and valuable deposit of gypsum of good commercial quality upon said land; that said deposit of gypsum exists upon the whole of said land and is in the form of two layers, one about three feet thick and of pure, clean gypsum, and the other beneath the one just mentioned of a thickness of about sixty feet; that the layer last mentioned is not so pure as the one first mentioned but is about 60% gypsum in its formation.

That the work done in developing said deposit of gypsum consists of the excavation of 15 cuts of a

total aggregate length of 500 feet, varying in width from 3 feet to 9 feet, and in depth from 1 foot to 3 feet, the total excavation being about 7388 cubic feet; and also consists of removing surface soil from a deposit of said mineral having an area of 73800 square feet.

That in addition to said work the applicant placed on said land an oil well drilling outfit and thereafter drilled an [32] oil well thereon to the depth of about 527 feet.

That prior to and at the time of the passage and approval of an act of Congress entitled "An Act to authorize the President of the United States to make withdrawals of public lands in certain cases," approved June 25, 1910, Chapter 421, U. S. Statutes, page 847, the applicant was a *bona fide* occupant and in the possession of the land above described under a *bona fide* claim thereto by virtue of the location and work above mentioned and at said time the work of drilling said well was actually and actively being carried on upon said land under such *bona fide* claim of title thereto and was diligently continued to completion as aforesaid.

#### Mineral Developed.

That by the work done in the development of gypsum a deposit of said mineral has been developed of many thousand tons in quantity and of a high grade and fine quality for the various commercial uses that such mineral is put to, having a value of at least \$2.00 per ton, on the ground.

That in and by said well above mentioned a deposit of petroleum was developed which produces

petroleum at the rate of at least 200 barrels per day. Expenditures.

That in the work of developing said land as aforesaid this applicant has expended or caused to be expended for its benefit at least \$600.00 in the development of the gypsum deposit thereon above mentioned, and the sum of at least \$5,000.00 in boring said well.

#### No Intervening Rights.

That between the date of the location of said land as aforesaid and the date of the discovery and development of the mineral deposits therein as above set forth, no rights of any sort whatever [33] adverse to those of the locators above named and of the Lost Hills Mining Company, a corporation, the applicant herein, attached to said land or any part thereof.

#### Rivers and Timber.

That the land described in this Application is situate in a dry and arid portion of the County of Kern, State of California, and that there are no streams or springs of water or growth of timber thereon; that the only vegetation upon said land is the wild native grass and some small shrubs or brush, but so scant is the growth of both that the land is not fit for grazing purposes even, except for a very small portion of an occasional spring of a year when the rainfall is sufficient to produce a growth of natural grass.

#### Character of the Land.

That the soil of said land is so thoroughly impregnated with minerals such as lime and

gypsum that nothing grows thereon except the grass and shrubs above mentioned and they are short and but thinly cover the ground; that this condition is so pronounced that the only use to which the land can profitably be devoted is that of producing petroleum of gypsum therefrom; that so dry and arid is the region in which the land is situated and so unproductive is it in the way of grass and shrubs that except for its value for the deposits of petroleum developed therein as aforesaid and deposits of gypsum thereon, that it is for all practical purposes worthless; that this application is made in good faith for the purpose of obtaining title to the land above described for the mineral deposits therein and not for the purpose of obtaining title to any timber thereon or the control of any streams or springs of water thereon. [34]

Application for patent.

That upon the facts and for the reasons hereinbefore stated, affiant hereby makes application for United States Patent to the land above described under the name of the

LOST HILLS PLACER OIL MINING CLAIM,  
for the benefit and in behalf of the Lost Hills Mining Company, a corporation.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing application was read and examined by him before his

signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare, State  
of California, Duly Commissioned and Sworn.

[35]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

## MINERAL ENTRY No. —

In the Matter, of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the LOST HILLS  
OIL MINING CLAIM.

## EMBRACING:

The NW. ¼ of Section 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

SUPPLEMENTAL AND CORROBORATIVE  
AFFIDAVIT.

State of California,  
County of Tulare,—ss.

F. H. Davis, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and is now and for six years last past has been engaged in the business of the manufacture of cement as the general superintendent of the Santa Cruz Portland Cement Company which has a plant at Davenport, California, and also for the one year last past as general superintendent of the Standard Portland Cement Company with a plant at Napa Junction, said State.



That in the manufacture of cement gypsum is employed for regulating the set.

That the cement companies above named use in the manufacture of cement about 12,000 tons of gypsum per annum and obtain their supply from Mound House, Nevada, for the plant of the Standard [36] Company, and from near Kings City, California, for the plant of the Santa Cruz Company.

That affiant is familiar with the deposits of gypsum existing upon the NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., Kern County, California, account of having been in personal charge of much of the work done thereon in the development thereof by the Lost Hills Mining Company.

That for the purpose of determining whether said last-mentioned deposit of gypsum was of a quality that could profitably be used in the manufacture of cement, affiant had samples taken therefrom which were so selected as to show as accurately as possible the average quality of the gypsum on the quarter section of land last above described, and to show as nearly as possible what a mine run of the gypsum would disclose as to quality; that said samples were made up of the poorest quality of gypsum on the quarter as well as of the best, in such way as to constitute a fair average sample of the deposit.

That after said samples were taken the same were quartered down to the weight of from 25 to 50 pounds, and tested at the cement plant above mentioned, located at Davenport, California.

Said test showed the deposit to be 92.62% gypsum.

That said samples and said tests also showed that the quality of gypsum in the deposit on said quarter section was such that it could be profitably used in the manufacture of cement; that much of said deposit is of as good quality as that obtained from Kings City, California, and used as aforesaid at the plant of the Santa Cruz Portland Cement Company.

That 50% of the deposit of gypsum on said Section 30 will average at least 80% pure, which is a very high grade of gypsum and very desirable for use in the manufacture of cement. [37]

That affiant from the sample above mentioned and numerous others taken and tested by him and from his knowledge of the great extent of the deposit of gypsum on said land, has advised his employers, the cement companies above named, to obtain the gypsum for their plants from said deposits instead of from those at Mound House, Nevada, and Kings City, California, and said companies have determined to act upon this advice as soon as the transportation facilities are provided for shipping gypsum from Sections 30 and 32, T. 26 S., R. 21 E. M. D. B & M., in Kern County, California.

That the present market value of the gypsum in the deposits on the sections last above mentioned is at least \$2.00 per ton and on the quarter section mentioned in this application there are many thousands of tons of said mineral of said value.

That account of the demand therefor in connection with the growing of citrus fruit and other crops affiant for his employers is making arrangements to

establish a mill for the grinding of the poorer grades of gypsum in said sections for the supplying of such demand and is informed and believes and on such information and belief states that a price of from \$8.00 to \$9.00 per ton can be obtained therefor at points of delivery in Tulare, Fresno, Kings and Kern Counties, California.

F. H. DAVIS.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal] D. E. PERKINS,  
Notary Public in and for the County of Tulare, State  
of California, duly Commissioned and Sworn.  
[38]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corporation,  
for Patent to the LOST HILLS PLACER  
OIL MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M.  
D. M., Kern County, California.

NOTICE OF LOCATION.

(See next page.) [39]

## NOTICE OF LOCATION PLACER CLAIM.

Notice is hereby given, that the undersigned citizen of the United States in compliance with the requirements of the Revised Statutes of the United States have this day located the following described placer mining ground, viz.:

The Northwest quarter Section 30 Township 26 South, Range 21 East, M. D. B. M., situate in the Lost Hills Mining District, County of Kern, State of Calif.

This claim shall be known as the Lost Hills Placer Mining Claim.

Located 13th day of February, 1907.

O. D. BARTON.

J. M. HOYT.

H. J. LIGHT.

W. B. WALLACE.

W. E. HALL.

J. W. McCORD.

J. H. BUTTS.

F. R. HIGHT.

I hereby certify the above and foregoing to be a true and correct copy of the original, filed for record at the request of J. N. Hoyt, Feb. 23, A. D. 1907, at 10 minutes past 9 o'clock A. M., Chas. A. Lee, Recorder.

State of California,  
County of Kern.

I, Chas. A. Lee, County Recorder of said county, do hereby certify that the annexed is a whole, true, and correct copy of an original as will appear by reference to Book 40 of Mining Records, p. 290, now

in my office, and that said copy has been compared with the original and is a correct transcript therefrom.

WITNESS my hand and official seal this 6th day of May, A. D. 1911.

CHAS. A. LEE,  
Recorder in and for the County of Kern, California.

By \_\_\_\_\_,  
Deputy.

[Official Seal County Recorder, Kern Co.; Cal.]

[40]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corporation,  
for Patent to the LOST HILLS PLACER  
OIL MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M.  
D. M., Kern County, California.

CERTIFIED COPY OF ARTICLES OF  
INCORPORATION.

No. 18233

Frank C. Jordan,  
Secretary of State.

Frank H. Cory,  
Deputy.



## STATE OF CALIFORNIA.

## DEPARTMENT OF STATE.

I, Frank C. Jordan, Secretary of State of the State of California do hereby certify that I have carefully compared the annexed copy of Articles of Incorporation of

## LOST HILLS MINING COMPANY

with the certified copy of the original now on file in my office, and that the same is a correct transcript therefrom, and of the whole thereof. Also that this authentication is in due form and by the proper officer.

WITNESS my hand and the Great Seal of State, at office in Sacramento, California, the 15th day of July, A. D. 1911.

[Seal of State of California.]

FRANK C. JORDAN,

Secretary of State.

By Frank H. Cory,

Deputy. [41]

ARTICLES OF INCORPORATION  
of the

---

KNOW ALL MEN BY THESE PRESENTS:  
That we, the undersigned, a majority of whom are citizens and residents of the State of California, have this day voluntarily associated ourselves together for the purpose of forming a corporation under the laws of the State of California.

AND WE HEREBY CERTIFY, First: That the name of said corporation shall be

## LOST HILLS MINING COMPANY.

Second: That the purpose for which it is formed are to locate, acquire, hold and work, buy, sell, lease, mortgage and deal in mines, mining claims, mineral lands, and other real property; to bore for and develop, produce, buy, and sell and deal in gas and gas wells, oil and oil wells, petroleum, minerals and the products thereof; and to buy, sell, lease, erect, construct, maintain, operate, hypothecate, mortgage, and deal in, all kinds of building structures, works, machinery, tools, appliances and outfits required therefor; to develop, buy, sell, lease, mortgage and deal in, water and water rights; to buy, sell, lease, mortgage and deal in, rights of way, pipe-lines, easements and franchises; to conduct gas, oil and water through pipe-lines and otherwise; to acquire, buy, sell, and deal in, shares of stock and bonds and interests of other corporations and corporate properties; to borrow and loan money; to acquire, buy, sell, lease, mortgage, bond, hypothecate, exchange, issue bonds on, and deal in, real and personal property of every description; and to deal in and with all kinds of property necessary in the transaction of the business of this corporation, [42] as well as in the business of general merchandizing, and to do all things necessary therefor, and to transact such other and further business as its directors may from time to time determine; also to construct, maintain and operate telephone lines.

Third: That the place where the principal business of said corporation is to be transacted is Hanford, Kings County, California.

Fourth: That the term for which said corporation is to exist is fifty years from and after the date of its incorporation.

Fifth: That the number of Directors or Trustees of said corporation shall be seven, and that the names and residences of the Directors or Trustees who are appointed for the first year and to serve until the election and qualification of such officers are as follows, to wit:

Names	Whose residence is at
J. H. Butts	Hanford, California.
A. R. Orr	Visalia, “
O. D. Barton	Dudley, “
John Anderson	Hanford, “
W. B. Wallace	Visalia, “
H. J. Light	Lemoore, “
Wm. Lindemann	Hanford, “

Sixth: That the amount of the Capital Stock of the said corporation is Thirty-six thousand eight hundred dollars and the number of shares into which it is divided is Thirty-six thousand eight hundred of the par value of One Dollar each.

Seventh: That the amount of said Capital Stock which has been actually subscribed is Seven Dollars, and the following are the names of the persons by whom the same has been subscribed, to wit:

Names of Subscribers.	No of Shares.	Amount.
J. H. Butts	One share	\$1.00
A. R. Orr	One “	1.00
O. D. Barton	One “	1.00
H. J. Light	One “	1.00

Names of Subscribers.	No of Shares.	Amount.
John Anderson	One “	1.00
Wm. Lindemann	One “	1.00
W. B. Wallace	One “	1.00

(Back of page 16.) [43]

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 27th day of February, 1909, A. D.

A. R. ORR. (Seal)

H. L. LIGHT. (Seal)

O. D. BARTON. (Seal)

J. H. BUTTS. (Seal)

JOHN ANDERSON. (Seal)

WM. LINDEMANN. (Seal)

W. B. WALLACE. (Seal)

Signed and sealed in the presence of

GEO. L. BLISS.

State of California,

County of Kings,—ss.

On this 27th day of February, in the year one thousand nine hundred and nine (1909) before me, George L. Bliss, a Notary Public in and for said County of Kings, State of California, residing therein, duly commissioned and sworn, personally appeared A. R. Orr, H. J. Light, O. D. Barton, J. H. Butts, John Anderson, Wm. Lindemann and W. B. Wallace, known to me to be the persons described herein, whose names are subscribed to, and who executed the within instrument, and they acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal in the said County of

Kings, the day and year in this certificate first above written.

[Notarial Seal] GEO. L. BLISS,  
Notary Public in and for said County of Kings,  
State of California.

State of California,  
County of Kings,—ss.

I, Francis Cunningham, County Clerk of the County of Kings, State of California, do hereby certify the within to be a full and correct copy of Articles of Incorporation of Lost Hills Mining Company as remains on file in this office.

In Witness Whereof, I have hereunto set my hand and affixed my official Seal, this 5th day of March, A. D. 1909.

[Seal] FRANCIS CUNNINGHAM,  
Clerk.

By \_\_\_\_\_,  
Deputy Clerk.

[Endorsed]: Filed Mar. 5th, 1909. Francis Cunningham, Clerk.

[Endorsed]: Filed in the Office of the Secretary of State the 12th day of Mar. A. D. 1909.

C. F. CURRY,  
Secretary of State.

By J. Hoesch,  
Deputy.



IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corporation,  
for Patent to the LOST HILLS PLACER  
OIL MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M.  
D. M., Kern County, California.

RESOLUTION APPOINTING AGENT.

WHEREAS, this corporation, the Lost Hills Mining Company, a corporation duly organized under the laws of the State of California, is the owner of certain oil placer mining claims in the County of Kern, State of California, for which it desires and is about to apply for United States patent; and—

WHEREAS, the principal place of business of this corporation is the City and County of San Francisco, State of California, and without the United States Land District in which said mining claims are situate;

Now, Therefore,

BE IT RESOLVED: That O. D. Barton, who is a citizen of the United States, over the age of twenty-one years, be and he is hereby, appointed the agent of this Company for the purpose of making applications for United States patent to the mining claims owned by this company, and he is hereby authorized and empowered to make, execute, sign and verify any and all instruments in writing necessary

to be made in connection with said patent proceedings, and any documents which it may be necessary to file in the Department of the [45] Interior of the United States in connection with and pertaining to such patent proceedings for and on behalf of this corporation, and as its act and deed.

I, James H. Cameron, the duly elected, qualified and acting Secretary of the Lost Hills Mining Company, a corporation, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed by the Board of Directors of said Company at a meeting duly held by said Board on the 29th day of May, 1911, and that the original of said resolution is recorded in the Book of Minutes of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company the 2d day of June, 1911.

JAMES H. CAMERON,

Secretary.

[Corporate Seal of Lost Hills Mining Company.]  
[46]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corporation,  
for Patent to the LOST HILLS PLACER  
OIL MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

PROOF OF IMPROVEMENTS.

State of California,  
County of Tulare,—ss.

O. D. Barton, being duly sworn, according to law, upon his oath deposes and says:

That he is a citizen of the United States over the age of twenty-one years and that he is the person designated and duly authorized and empowered by resolution of the Board of Directors of the Lost Hills Mining Company, a corporation, to make on behalf of said company all affidavits and to execute any and all instruments in writing pertaining to the application by said company for United States Patent to the Lost Hills Placer Oil Mining Claim, situate in the County of Kern, State of California, embracing the land hereinbefore described, as more particularly appears by the certified copy of resolution of the Board of Directors of said company on file herewith.

That the applicant has opened up and developed an extensive and valuable deposit of gypsum of good commercial quality upon said land; that said deposit of gypsum exists upon the whole of [47] said land and is in the form of two layers, one about three feet thick and of pure, clean gypsum, and the other beneath the one just mentioned of a thickness of about sixty feet; that the layer last mentioned is not so pure as the one first mentioned but is about 60% gypsum in its formation.

That the work done in developing said deposit of gypsum consists of the excavation of 15 cuts of a total aggregate length of 500 feet, varying in width

from 3 feet to 9 feet and in depth from 1 foot to 3 feet, the total excavation being about 7388 cubic feet; and also consists of removing surface soil from a deposit of said mineral having an area of 73,800 square feet.

That in addition to said work the applicant, placed on said land an oil well drilling outfit and thereafter drilled an oil well thereon to the depth of about 527 feet.

By the work done in the development of gypsum a deposit of said mineral has been developed of many thousand tons in quantity and of a high grade and fine quality for the various commercial uses that such mineral is put to, having a value of at least \$2.00 per ton, on the ground.

That in and by said well above mentioned a deposit of petroleum was developed which produces petroleum at the rate of at least 200 barrels per day.

That in the work of developing said land as afore-said, this applicant has expended or caused to be expended for its benefit at least \$600.00 in the development of the gypsum deposit thereon above mentioned, and the sum of at least \$5,000.00 in boring said well.

O. D. BARTON. [48]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his

signature was affixed thereto and oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State  
of California, Duly Commissioned and Sworn.

[49]

CORROBORATION BY TWO DISINTER-  
ESTED WITNESSES.

State of California,  
County of Tulare,—ss.

Earl Northrup and J. N. Young, each for himself  
and not one for the other, being first duly sworn ac-  
cording to law, deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years and not interested in the  
application for patent made by the Lost Hills Min-  
ing Company for the Lost Hills Placer Oil Mining  
Claim, covering the NW.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R.  
21 E., M. D. M., Kern County, California.

That he is familiar with said land and the whole  
thereof, having been upon and over the same fre-  
quently, and knows what work and improvements  
the said applicant has caused to be done and made  
thereupon; that he has read the foregoing affidavit  
of O. D. Barton and knows the contents thereof; that  
the said affidavit correctly states and describes the  
work and improvements upon the land hereinbefore  
described; that the drilling outfit and well mentioned  
in said affidavit are actually upon the ground and  
that said work and improvements cost at least as



much as it is stated to have cost in said affidavit of O. D. Barton.

EARL NORTHRUP.

J. N. YOUNG,

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[50]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the LOST HILLS  
PLACER OIL MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E.,  
M. D. M. Kern County, California.

AFFIDAVIT OF NONEXISTENCE OF LODGE  
OR VEIN.

State of California,  
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to law, upon his oath deposes and says:

That he is a citizen of the United States over the age of twenty-one years and that he is the person designated and duly authorized and empowered by resolution of the Board of Directors of the Lost Hills Mining Company, a corporation, to make on behalf of said company all affidavits and to execute any and all instrument in writing pertaining to the application by said company for United States Patent to the Lost Hills Placer Oil Mining Claim, situate in the County of Kern, State of California, embracing the land hereinbefore described as more particularly appears by the certified copy of resolution of the Board of Directors of said Company on file herewith.

That the affiant is now and for a long time prior hereto has been thoroughly familiar with the NW.  $\frac{1}{4}$  of Section 30, T. 26 S., [51] R. 21 E., M. D. M., Kern County, California, having been upon and over the same frequently.

That no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

That this affiant makes this affidavit on behalf of the applicant above-named, the Lost Hills Mining Company, a corporation.

O. D. BARTON,

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing

affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State  
of California, Duly Commissioned and Sworn.

[52]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the LOST HILLS  
PLACER OIL MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

AFFIDAVIT OF DISINTERESTED WIT-  
NESSES OF NONEXISTENCE OF LODGE  
OR VEIN.

State of California,  
County of Tulare,—ss.

Earl Northrup and J. N. Young, being each duly  
sworn according to law each for himself upon his  
oath deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years and not interested in any  
way in the land involved in this application nor in  
any part thereof.

That affiant is now and for a long time prior hereto has been thoroughly familiar with the NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M. D. M., in Kern County, California, having been upon and over the same frequently.

That no known lode or vein of quartz or other, rock in place bearing gold, silver, copper, cinnabar, or other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

EARL NORTHRUP.

J. N. YOUNG. [53]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[54]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the LOST HILLS  
PLACER OIL MINING CLAIM.

## EMBRACING:

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

## PROOF OF POSTING NOTICE UPON CLAIM.

State of California,

County of Kern,—ss.

W. L. McLaine and F. M. Anderson, each for himself and not one for the other, being first duly sworn, according to law, upon his oath deposes and says:

That he is a citizen of the United States over the age of twenty-one years and was present upon the 3 day of November, A. D., 1911, when the Notice of Intention of the Lost Hills Mining Company, a corporation, to apply for United States Patent for the Lost Hills Placer Oil Mining Claim, embracing the NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M. D. M., was posted upon the ground.

That said notice was so posted and in such a conspicuous place upon said placer oil mining claim at and upon the derrick over the oil well upon said claim that said notice could be easily and readily seen and examined.

A copy of said notice so posted upon said claim as aforesaid is hereto attached, hereby referred to and made a part of this affidavit.

W. L. McLAINE,

F. M. ANDERSON. [55]

Subscribed and sworn to before me this 3rd day of November, A. D. 1911, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and



examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

H. C. KATZE,

Notary Public in and for the County of Kern, State of California, Duly Commissioned and Sworn.

[56]

NOTICE OF APPLICATION FOR PATENT.

(Not Coal Land.)

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

NOTICE IS HEREBY GIVEN, that pursuant to the laws of the United States relating to the sale of lands commonly called "Placers" and in accordance with the rules and regulations promulgated under such laws, the LOST HILLS MINING COMPANY, a Coropration, whose post office address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States Patent for the LOST HILLS PLACER OIL MINING CLAIM, situate in the County of Kern, State of California, embracing the NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M. D. M., location notice of which is recorded in the office of the Recorder of said County of Kern, in Book 40 of Mining Records, Page 290.

Said claim contains an area of 161.85 acres, and no claims adjoin said mining claim which conflict therewith, as said claim and others adjacent thereto are located in accordance with the United States survey of said land.

POSTED on the ground this 3rd day of November,  
LOST HILLS MINING COMPANY.

By O. D. BARTON,  
Its Duly Authorized Agent.

Witnesses to Posting:

W. L. McLAINE,

F. M. ANDERSON. [57]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the LOST HILLS  
PLACER OIL MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

PUBLISHER'S CONTRACT.

State of California,  
County of Kern,—ss.

The undersigned, the editor and publisher of the  
“Delano Record,” a weekly newspaper published in  
Delano, Kern County, California, hereby agrees to  
publish the Notice of Intention of the Lost Hills  
Mining Company, a corporation, to apply for patent  
to the Lost Hills Placer Oil Mining Claim, as re-  
quired by Act of Congress approved May 10, 1872,  
and Amendments thereof, and the Act of Congress  
relating to the sale and disposition of public lands

chiefly valuable for petroleum, situate in the County of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same.

And it is hereby expressly stipulated and agreed that no claim shall be made against the Government of the United States, or its officers or agents, for such publication. [58]

IN WITNESS WHEREOF, the undersigned has duly executed this agreement this 13th day of November, A. D. 1911.

C. H. SEIDERS,  
Editor and Publisher. [59]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the LOST HILLS  
PLACER OIL MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

AUTHORITY TO SEND NOTICES.

To the Register and Receiver of the United States  
Land Office, Visalia, California.

The undersigned, the Lost Hills Mining Company, a corporation, the applicant in the above-entitled and numbered application, hereby authorizes you or either of you, to send all notices concerning said ap-

plication to U. T. Clotfelter, attorney at law, 409 Kerckhoff Building, Los Angeles, California, and agrees that notices so sent shall be deemed to be notices to the undersigned.

Dated November 10th, A. D. 1911.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [60]

Feby. 24, 1912.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY NO. 03431-679643.

In the Matter of the Application of the LOST HILLS MINING COMPANY, a Corporation, for Patent to the LOST HILLS PLACER OIL MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California. 161.85  
acres

## INDEX.

	Pages
Proof of Continuous Posting.....	1-2
Proof of Publication of Notice.....	3-4
Application to Purchase .....	5-6
Sworn Statement of Charges and Fees Paid....	7-8
Register's Certificate of Posting Notice.....	

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03431.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the LOST HILLS  
PLACER OIL MINING CLAIM.

EMBRACING :

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

PROOF OF CONTINUOUS POSTING.

State of California,  
County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to  
law, deposes and says :

That he is a citizen of the United States over the age  
of twenty-one years, and is duly authorized to act for  
and on behalf of the applicant above named, as is  
shown by the duly certified copy of resolution of said  
company conferring said authority upon him, on file  
in the above-entitled proceeding.

That the notice of intention of the applicant herein  
to apply for patent for the

LOST HILLS PLACER OIL MINING CLAIM,  
embracing the lands hereinbefore described, was  
posted upon said mining claim, on the 3d day of No-  
vember, 1911, as is fully set forth and described in  
the affidavit of W. L. McLaine and F. M. Anderson,  
dated the 3d day of November, 1911, which affidavit



was duly filed in the office of the Register of the United States Land [62] Office at Visalia, in the State of California.

That said notice posted as aforesaid remained continuous and conspicuously posted upon said mining claim from the 3d day of November, A. D. 1911, to and including the 15th day of February, A. D. 1912, including the sixty day period during which the notice of said application for patent was published in the newspaper.

O. D. BARTON,

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that I consider the above affiant a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto and the oath made by him.

[Seal]

E. C. FARNSWORTH,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.  
[63]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03431.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the LOST HILLS  
PLACER OIL MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M.  
D. M., Kern County, California.

PROOF OF PUBLICATION OF NOTICE.

State of California,  
County of Kern,—ss.

(Here is a newspaper clipping which is verbatim the same as Notice of Application for Patent herein given signed and posted by Geo. W. Stewart, Register United States Land Office, Visalia, California.)

C. H. Seiders, being duly sworn, deposes and says that he is the Editor and Publisher of the "Delano Record," and has charge of and attends to the matter of publishing of all notices received from the above-entitled Land Office; that the annexed notice was published in the "Delano Record," a weekly newspaper published in the town of Delano, county of Kern, State of California, in each issue of said paper for ten (10) consecutive weeks, the first publication being on the 23d day of November, 1911 and the last publication [64] being on the 25th day of January, 1912.

C. H. SEIDERS.

Subscribed and sworn to before me this 21st day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the foregoing affidavit was read by him before his

name was subscribed thereto.

[Sea1]

W. B. TIMMONS,

Notary Public in and for the County of Kern, State  
of California, Duly Commissioned and Sworn.

[65]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03431.

IN the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the LOST HILLS  
PLACER OIL MINING CLAIM.

## EMBRACING:

The NW. ¼ of Section 30, T. 26 S., R. 21 E., M.  
D. M., Kern County, California.

### APPLICATION TO PURCHASE.

To the Register and Receiver of the United States  
Land Office, Visalia, California.

The undersigned, LOST HILLS MINING COMPANY, a corporation, under the provisions of the Revised Statutes of the United States, Chapter VI, Title 32, and legislation of Congress supplemental thereto, hereby applies to purchase that certain placer mining claim known as the Lost Hills Placer Oil Mining Claim, embracing the NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M. D. M., containing 160 acres according to the system of public lands survey of the United States, and hereby agrees to pay therefor the sum of \$400.00 being the legal price thereof.

Dated February 24th, 1912.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [66]

I, George W. Stewart, Register of the United States Land Office at Visalia, California, do hereby certify that the aforesaid mining claim as applied for above is subject to entry by the above-named applicant that the area of said claim of 160 acres and that the legal price thereof is \$400.00.

Dated February, 1912.

---

Register. [67]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03431.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the LOST HILLS  
PLACER OIL MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M.  
D. M., Kern County, California.

State of California,  
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to  
law, deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years and is duly authorized to  
act for and on behalf of the applicant above named,

as is shown by the duly certified copy of resolution of said company conferring said authority upon him, on file in the above-entitled proceeding.

That in the prosecution of the above entitled and numbered application the applicant has paid the sums of money following:

To the Register and Receiver for filing appli-	
cation for patent .....	\$ 10.00
For publication of Notice of Application....	25.00
For purchase price of land .....	400.00

---

Total.....\$435.00

O. D. BARTON. [68]

Subscribed and sworn to before me this 24th day of February, A. D., 1912, and I hereby certify that affiant is a credible and reliable witness and that the foregoing affidavit was read by him, before his name was subscribed thereto.

[Seal]

E. C. FARNSWORTH,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[69]

NOTICE OF APPLICATION FOR PATENT.

Nov. 18, 1911.

03431

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03431.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under



such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States for the

LOST HILLS PLACER OIL MINING CLAIM, situate in the County of Kern, State of California, embracing the NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M. D. M., location notice of which is recorded in the office of the Recorder of said County of Kern in Book 40 of Mining Records, page 240.

Said claim contains an area of 161.85 acres and no claims adjoin said mining claim which conflict therewith as said claim and others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,  
Register.

Date of first publication Nov. 20, 1911, A. D. 1911.  
[70]

Feb. 29, 1912. 4-229. 03431.

CERTIFICATE THAT NOTICE REMAINED  
POSTED SIXTY DAYS.

UNITED STATES LAND OFFICE.

At Visalia, Calif., February 29, 1912.

I hereby certify that a notice, of which the attached notice is a copy of application No. 03431 by Lost Hills Mining Company for a patent for the Lost Hills Placer Mining Claim, remained conspicuously posted in this office for the full period of sixty days; that said notice was posted on the 20th day of No-

vember, A. D. 1911, and remained posted until the 29th day of February, A. D. 1912; that during that time the plat of the official survey No. — of said claim remained in this office, and that no adverse claim has been filed.

GEO. W. SEWART,  
Register. [71]

Received.

Feb. 2, 1912.                      Nov. 21, 1911.                      03431.

Second Field Division.

NOTICE OF APPLICATION FOR PATENT.  
IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

(Not Coal Land.)

MINERAL ENTRY —.

November 20, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States patent for the

LOST HILLS PLACER OIL MINING CLAIM  
situate in the County of Kern, State of California,  
embracing the NW.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21  
E., M. D. M., location notice of which is recorded in  
the office of the Recorder of said County of Kern in  
Book 40 of Mining Records, page 240.

Said claim contains an area of 161.85 acres and no claims adjoin said mining claim which conflict therewith as said claim and others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,  
Register.

Date of first publication Nov. 20, 1911, A. D. 1911.

(Stamped in red ink is the following, in which is written the underlined portions:)

PROTEST

against the validity of this entry is filed in this office,

A. O. White

Acting Chief of Field Division

(Date.) Jan. 31, 1912. [72]

EXHIBIT "B."

Nov. 18, 1911.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432—679374.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corporation,  
for Patent to the SIGNAL PLACER  
MINING CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E., M. D. M.,  
Kern County, California.

## INDEX.

	Pages
Application for Patent.....	1- 7
Supplemental and Corroborative Affidavit....	8-11
Notice of Location.....	12-13
Certified Copy of Articles of Incorporation...	14-19
Resolution Appointing Agent .....	20-21
Proof of Improvements.....	22-26
Affidavit of Non-existence of Lode or Vein....	27-28
Affidavit of Disinterested Witnesses.....	29-30
Proof of Posting Notice upon Claim.....	31-33
Publisher's Contract .....	34-35
Authority to Send Notices .....	36
[73]	

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the SIGNAL PLACER  
MINING CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E., M. D. M.,  
Kern County, California.

## APPLICATION FOR PATENT.

To the Register and Receiver of the United States  
Land Office, Visalia, California.

State of California,  
County of Tulare,—ss.

O. D. Barton, being duly sworn according to law,  
upon his oath deposes and says :

Affiant's Authority and Address.

That he is a citizen of the United States over the  
age of twenty-one years, whose postoffice address is  
Visalia, Tulare County, California, and that he is the  
person duly designated, authorized and empowered  
by resolution of the Board of Directors of the Lost  
Hills Mining Company, a Corporation, to make on  
its behalf all necessary affidavits and other instru-  
ments in writing pertaining to an application by said  
company for United States Patent to the Lost Hills  
Placer Oil Mining Claim, as fully appears from a  
duly certified copy of said resolution filed with this  
application. [74]

Company's Qualification and Address.

That the Lost Hills Mining Company is a corpora-  
tion duly created, organized and existing under the  
laws of the State of California, and has its office and  
principal place of business in the City and County of  
San Francisco, State of California, and without the  
Land District in which the land involved in this ap-  
plication is situate; that its post office address is 221  
Crocker Building, said City and County of San  
Francisco; that the directors of said corporation are  
each and all of them citizens of the United States.



### Placer Location.

That on February 14th, 1907, the SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E., M. D. M., situate in the County of Kern, State of California, was public land of the United States, open to location and appropriation under the laws of the United States relating to what are commonly known as "Placers," and land chiefly valuable for petroleum, and on said date Adolph Levis, Wm. Linderman, R. C. Hardin, S. W. Hall, F. T. Hall, W. B. Wallace, Seth Smith, and C. A. Butts, each and all of whom were then citizens of the United States, duly located said quarter section of land under the laws of the United States aforesaid, as the Signal Placer Mining Claim, as more fully appears by the duly certified copy of Notice of Location, filed herewith, which is hereby referred to and made a part hereof.

### Transfer to and Ownership of Company.

That thereafter and on March 18, 1909, the above named locators by deed duly executed and delivered to said company conveyed the said placer mining claim and the land above described, and all of their right, title and interest therein, to the Lost Hills Mining Company, the applicant herein, all of which more fully appears by the duly certified abstract of title on file [75] in this proceeding, which is hereby referred to and made a part hereof.

### Possession and Development Work.

That ever since February 14, 1907, the land hereinbefore described has been in the actual, peaceable, open, notorious, continuous, exclusive and undisturbed possession of the Lost Hills Mining Company,

the applicant herein, and its predecessors in interest, the locators hereinbefore named, and during each year since the year 1907, more than \$100.00 has been expended upon said land in the way of work and improvements thereon and in the development thereof and in the doing of the annual assessment work required by the laws of the United States.

That in the year 1908 two excavations were made upon said land near the northeast corner thereof—one eight feet wide, 12 feet long and 7 feet deep; and another 20 feet wide, 50 feet long and 3 feet deep.

That in the year 1909 by means of a team, plow and scraper an excavation was made upon the said land of about an acre in area.

That in 1910 a large amount of work was done in the way of excavating gypsum from the said land and in the months of July and August, 1911, the applicant in further developing said gypsum excavated therein five cuts or trenches of an aggregate length of 537 feet in length, 8 feet in width and about 2 feet in depth and also by removing the earth from a portion of said deposit having an area of 138,000 square feet.

That the applicant caused to be erected upon said land a complete oil well drilling outfit consisting of a derrick, boiler, engine and other tools and equipment usually used in the drilling of wells for the production of petroleum, [76] and thereupon and thereafter commenced the work of drilling a well on said land for the development of petroleum thereon and prosecuted the work of drilling such well diligently to the depth of about 835 feet.

### Mineral Developed.

That by the said excavations and other prospect work there was and is disclosed a body of pure gypsum three feet thick and in blanket formation lying just beneath the surface of the land and extending over the whole of the SE.  $\frac{1}{4}$  of said Section 30; and also another strata of gypsum about 60% pure of a thickness of 60 feet.

That on said land there has been developed by applicant many thousand tons of gypsum of a high grade and fine quality for the various commercial uses that such mineral is put to, the market value of which is \$2.00 per ton on the ground.

That the well drilled as aforesaid produces petroleum at the rate of 200 barrels per day.

### Expenditures.

That in the work of development of gypsum aforesaid there has been expended upon said land by the applicant more than \$1000.00; that in the drilling of the well aforesaid it has expended more than \$10,000.00.

### No Intervening Rights.

That between the date of the location of said land as aforesaid and the date of the discovery and development of the deposits of gypsum and petroleum therein as above set forth, no rights of any sort whatever adverse to those of the locators above named and of the Lost Hills Mining Company, a corporation, the applicant herein, attached to said land or any part thereof.

### Rivers and Timber.

That the land described in this application is sit-

uate in a dry and arid [77] portion of the County of Kern, State of California, and that there are no streams or springs of water or growth of timber thereon; that the only vegetation upon said land is the wild native grass and some small shrubs or brush, but so scant is the growth of both that the land is not fit for grazing purposes even, except for a very small portion of an occasional spring of a year when the rainfall is sufficient to produce a growth of natural grass.

#### Character of the Land.

That the soil of said land is so thoroughly impregnated with minerals such as lime and gypsum that nothing grows thereon except the grass and shrubs above mentioned and they are short and but thinly cover the ground; that this condition is so pronounced that the only use to which the land can profitably be devoted is that of producing gypsum and petroleum therefrom; that so dry and arid is the region in which the land is situated and so unproductive is it in the way of grass and shrubs that except for its value for the deposits of gypsum developed thereon as aforesaid and deposits of petroleum therein as aforesaid, that it is for all practical purposes worthless; that this application is made in good faith for the purpose of obtaining title to the land above described for the mineral deposits therein and not for the purpose of obtaining title to any timber thereon or the control of any streams or springs of water thereon.

#### Application for Patent.

That upon the fact and for the reasons hereinbe-

fore stated affiant hereby makes application for United States Patent for the land above described under the name of the

SIGNAL PLACER MINING CLAIM.

for the benefit and in behalf of the Lost Hills Mining Company, a corporation.

O. D. BARTON. [78]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing application was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare,  
State of California, duly Commissioned and  
Sworn. [79]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corporation,  
for Patent to the SIGNAL PLACER MIN-  
ING CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.



SUPPLEMENTAL AND CORROBORATIVE  
AFFIDAVIT.

State of California,  
County of Tulare,—ss.

F. H. Davis, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and is now and for six years last past has been engaged in the business of the manufacture of cement as the general superintendent of the Santa Cruz Portland Cement Company which has a plant at Davenport, California, and also for the one year last past as general superintendent of the Standard Portland Cement Company with a plant at Napa Junction, said State.

That in the manufacture of cement, gypsum is employed for regulating its set.

That the cement companies above named use in the manufacture of cement about 12,000 tons of gypsum per annum and obtain their supply from Mound House, Nevada, for the plant of the Standard Company, and from near Kings City, California, for the plant of the [80] Santa Cruz Company.

That affiant is familiar with the deposits of gypsum existing upon the SE.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M. D. M., Kern County, California, account of having been in personal charge of much of the work done thereon in the development thereof by the Lost Hills Mining Company.

That for the purpose of determining whether said last-mentioned deposit of gypsum was of a quality

that could profitably be used in the manufacture of cement, affiant had samples taken therefrom which were so selected as to show as accurately as possible the average quality of the gypsum on the quarter section of land last above described, and to show as nearly as possible what a mine run of the gypsum would disclose as to quality; that said samples were made up of the poorest quality of gypsum on the quarter as well as of the best, in such way as to constitute a fair average sample of the deposit.

That after said samples were taken the same were quartered down to the weight of from 25 to 50 pounds and tested at the cement plant above mentioned, located at Davenport, California.

Said test showed the deposit to be 59.63% gypsum.

That said samples and said tests also showed that the quality of gypsum in the deposit on said quarter section was such that it could be profitably used in the manufacture of cement; that much of said deposit is of as good quality as that obtained from Kings City, California, and used as aforesaid at the plant of the Santa Cruz Portland Cement Company.

That 50% of the deposit of gypsum on said Section 30 will average at least 80% pure, which is a very high grade of gypsum and very desirable for use in the manufacture of cement.

That affiant from the sample above mentioned and numerous [81] others taken and tested by him and from his knowledge of the great extent of the deposit of gypsum on said land has advised his employers, the cement companies above named, to obtain the gypsum for their plants from said deposits

instead of from those at Mound House, Nevada, and Kings City, California, and said companies have determined to act upon this advice as soon as the transportation facilities are provided for shipping gypsum from Sections 30 and 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California.

That the present market value of the gypsum in the deposits on the sections last above mentioned is at least \$2.00 per ton and on the quarter section mentioned in this application there are many thousands of tons of said mineral of said value.

That account of the demand therefor in connection with the growing of citrus fruit and other crops affiant for his employers is making arrangements to establish a mill for the grinding of the poorer grades of gypsum in said sections for the supplying of such demand and is informed and believes and on such information and belief states that a price of from \$8.00 to \$9.00 per ton can be obtained therefor at points of delivery in Tulare, Fresno, Kings and Kern Counties, California.

F. H. DAVIS.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corporation,  
for Patent to the SIGNAL PLACER MIN-  
ING CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

NOTICE OF LOCATION PLACER CLAIM.

Notice is hereby given that the undersigned citi-  
zens of the United States in compliance with the  
requirements of the Revised Statutes of the United  
States, have this day located the following described  
placer-mining ground, viz.:

The southeast quarter of Sec. 30, Township 26  
South, Range 21 East, M. D. B. & M., situate in the  
Lost Hills Mining District, County of Kern, State of  
Calif.

This claim shall be known as the Signal Placer  
Mining Claim.

Located 14th day of February, 1907.

ADOLPH LEVIS.

WM. LINDERMAN.

R. C. HARDIN.

S. W. HALL.

F. T. HALL.

W. B. WALLACE.

SETH SMITH.

C. A. BUTTS.

I hereby certify the foregoing to be a true and correct copy of the original, filed for record at the request of J. N. Hoyt, Feb. 23, A. D. 1907, at 10 minutes past 9 o'clock A. M., Chas. A. Lee, Recorder.

[83]

State of California,

County of Kern.

I, Chas. A. Lee, County Recorder of said County, do hereby certify that the annexed is a whole, true, and correct copy of an original, as will appear by reference to Book 40 of Mining Records, p. 293, now in my office, and that said copy has been compared with the original and is a correct transcript therefrom.

WITNESS my hand and official seal this 25th day of October, A. D. 1911.

CHAS. A. LEE,

Recorder in and for the County of Kern, California.

By \_\_\_\_\_,

Deputy.

[Official Seal County Recorder, Kern Co., Cal.]

[84]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corporation,  
for Patent to the SIGNAL PLACER MIN-  
ING CLAIM.



## EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

CERTIFIED COPY OF ARTICLES OF  
INCORPORATION.

(Here appears a certified copy of Articles of Incorporation of the Lost Hills Mining Company, which is identically the same as the copy of the certified Articles of Incorporation as appears in Exhibit "A," with the exception that the certificate of the Secretary of State is numbered 19,372 instead of 18,233, is dated the 2d day of November, 1911, is signed by Frank C. Jordan, Secretary of State, personally, and is numbered in the application for patent herein, pages 15, 16, 17, 18 and 19.) [85]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

## MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corporation,  
for Patent to the SIGNAL PLACER MIN-  
ING CLAIM.

## EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E., M. D. M.,  
Kern County, California.

## RESOLUTION APPOINTING AGENT.

WHEREAS, this corporation, the Lost Hills Mining Company, a corporation duly organized under the laws of the State of California, is the owner of certain oil placer mining claims in the County of

Kern, State of California, for which it desires and is about to apply for United States patent; and—

WHEREAS, the principal place of business of this corporation is the City and County of San Francisco, State of California; and without the United States Land District in which said mining claims are situate;

NOW, THEREFORE, BE IT RESOLVED:

That O. D. Barton, who is a citizen of the United States, over the age of twenty-one years, be and he is hereby appointed the agent of this company for the purpose of making applications for United States patent to the mining claims owned by this company, and he is hereby authorized and empowered to make, execute, sign and verify any and all instruments in writing necessary to be made in connection with said patent proceedings, and any documents which it may be necessary to file in the Department of the Interior of the United States in connection with and pertaining to such patent [86] proceedings for and on the behalf of this corporation, and as its act and deed.

I, James H. Cameron, the duly elected, qualified and acting Secretary of the Lost Hills Mining Company, a corporation, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed by the Board of Directors of said company at a meeting duly held by said Board on the 29th day of May, 1911, and that the original of said resolution is recorded in the Book of Minutes of said Company.

IN WITNESS WHEREOF, I have hereunto set

my hand and affixed the seal of said Company the 2d day of June, 1911.

JAMES H. CAMERON,  
Secretary.

[Corporate Seal of Lost Hills Mining Company.]

[87]

---

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY—No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY a Corporation,  
for Patent to the SIGNAL PLACER MIN-  
ING CLAIM.

EMBRACING:

The SE $\frac{1}{4}$  of Sec. 30 T. 26 S., R. 21 E., M. D. M.,  
Kern County, California.

PROOF OF IMPROVEMENTS.

State of California,  
County of Tulare,—ss.

O. D. Barton, being duly sworn, according to law,  
upon his oath deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years and that he is the person  
designated and duly authorized and empowered by  
resolution of the Board of Directors of the Lost Hills  
Mining Company, a corporation, to make on behalf  
of said company all affidavits and to execute any and  
all instruments in writing pertaining to the applica-

tion by said company for United States Patent to the Signal Placer Mining Claim, situate in the County of Kern, State of California, embracing the land hereinbefore described, as more particularly appears by the certified copy of resolution of the Board of Directors of said company on file herewith.

That in the year 1908 two excavations were made upon said land near the northeast corner thereof—one 8 feet wide, 12 feet long and 7 feet deep; and another 20 feet wide, 50 feet long and [88] 3 feet deep.

That in the year 1909 by means of a team, plow and scraper an excavation was made upon the same land of about an acre in area.

That in 1910 a large amount of work was done in the way of excavating gypsum from the said land and in the months of July and August, 1911, the applicant in further developing said gypsum excavated therein five cuts or trenches of an aggregate length of 537 feet in length, 8 feet in width and about 2 feet in depth and also by removing the earth from a portion of said deposit having an area of 138,000 square feet.

That the applicant caused to be erected upon said land a complete oil well drilling outfit consisting of a derrick, boiler, engine and other tools and equipment usually used in the drilling of wells for the production of petroleum, and thereupon and thereafter commenced the work of drilling a well on said land for the development of petroleum thereon and prosecuted the work of drilling such well diligently to the depth of about 835 feet.

That by said excavations and other prospect work there was and is disclosed a body of pure gypsum there feet thick and in blanket formation lying just beneath the surface of the land and extending over the whole of the SE.  $\frac{1}{4}$  of said Section 30; and also, another strata of gypsum about 60% pure of a thickness of 60 feet.

That on said land there has been developed by applicant many thousand tons of gypsum of a high grade and fine quality for the commercial uses that such mineral is put to, the market value of which is \$2.00 per ton on the ground.

That the well drilled as aforesaid produces petroleum at the rate of 200 barrels per day. [89]

That in the work of the development of gypsum aforesaid there has been expended upon said land by the applicant more than \$1,000.00; that in the drilling of the well aforesaid it has expended more than \$10,000.00.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[90]



CORROBORATION BY TWO DISINTER-  
ESTED WITNESSES.

State of California,  
County of Tulare,—ss.

Earl Northrop and J. N. Young, each for himself and not one for the other, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and not interested in the application for patent made by the Lost Hills Mining Company for the Signal Placer Mining Claim, covering the SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E., M. D. M., Kern County, California.

That he is familiar with said land and the whole thereof, having been upon and over the same frequently, and knows what work and improvements the said applicant has caused to be done and made thereupon; that he has read the foregoing affidavit of O. D. Barton and knows the contents thereof; that the said affidavit correctly states and describes the work and improvements upon the land hereinbefore described; that the drilling outfit and well mentioned in said affidavit are actually upon the ground and that said work and improvements cost at least as much as it is stated to have cost in said affidavit of O. D. Barton.

EARL NORTHROP.

J. N. YOUNG.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above de-

ponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[91]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST HILLS  
MINING COMPANY, a Corporation, for  
Patent to the SIGNAL PLACER MINING  
CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E., M. D. M.,  
Kern County, California.

AFFIDAVIT OF NONEXISTENCE OF LODE  
OR VEIN.

State of California,  
County of Tulare,—ss.

O. D. Barton, being duly sworn according to law,  
upon his oath deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years and that he is the person  
designated and duly authorized and empowered by  
resolution of the Board of Directors of the Lost Hills  
Mining Company, a corporation, to make on behalf  
of said company all affidavits and to execute any and

all instruments in writing pertaining to the application by said company for United States Patent to the Signal Placer Mining Claim, situate in the County of Kern, State of California, embracing the land hereinbefore described, as more particularly appears by the certified copy of resolution of the Board of Directors of said company on file herewith.

That affiant is now and for a long time prior hereto has been thoroughly familiar with the SE.  $\frac{1}{4}$  of Section 30, T. 26 S., R. [92] 21 E., M. D. M., Kern County, California, having been upon and over the same frequently.

That no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

That this affiant makes this affidavit on behalf of the applicant above-named, the Lost Hills Mining Company, a corporation.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST HILLS  
MINING COMPANY, a Corporation, for  
Patent to the SIGNAL PLACER MINING  
CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E., M. D. M.,  
Kern County, California.

AFFIDAVIT OF DISINTERESTED WIT-  
NESSES OF NONEXISTENCE OF LODGE  
OR VEIN.

State of California,  
County of Tulare,—ss.

Earl Northrop and J. N. Young, being each duly  
sworn according to law each for himself upon his  
oath deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years and not interested in any  
way in the land involved in this application or in any  
part thereof.

That affiant is now and for a long time prior hereto  
has been thoroughly familiar with the SE.  $\frac{1}{4}$  of Sec-  
tion 30, T. 26 S., R. 21 E., M. D. M., in Kern County,  
California, having been upon and over the same fre-  
quently.

That no known lode or vein of quartz or other rock  
in place bearing gold, silver, copper, cinnabar or

other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

EARL NORTHROP,  
J. N. YOUNG. [94]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.  
[95]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST HILLS  
MINING COMPANY, a Corporation, for  
Patent to the SIGNAL PLACER MINING  
CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E., M. D. M.,  
Kern County, California.



## PROOF OF POSTING NOTICE UPON CLAIM.

State of California,  
County of Kern,—ss.

W. L. McLaine and F. M. Anderson each for himself and not one for the other, being first duly sworn according to law, upon his oath deposes and says:

That he is a citizen of the United States over the age of twenty-one years and was present upon the 3d day of November, A. D. 1911, when the Notice of Intention of the Lost Hills Mining Company, a corporation, to apply for United States patent for the Signal Placer Mining Claim, embracing the SE.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M. D. M., was posted upon the ground.

That said notice was posted and in such a conspicuous place upon said placer oil mining claim at and upon the derrick over the ——— said claim that said notice could be easily and readily seen and examined.

A copy of said notice so posted upon said claim as aforesaid is hereto attached, hereby referred to and made a part of this affidavit.

W. L. McLAINE.

F. M. ANDERSON. [96]

Subscribed and sworn to before me this 3d day of November, A. D. 1911, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were

affixed thereto and the oath made by them.

[Seal]

H. C. KATZE,

Notary Public in and for the County of Tulare, State  
of California, Duly Commissioned and Sworn.

[97]

## NOTICE OF APPLICATION FOR PATENT.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

NOTICE IS HEREBY GIVEN that pursuant to the laws of the United States relating to the sale of lands commonly called "Placers" and in accordance with the rules and regulations promulgated under such laws, the LOST HILLS MINING COMPANY, a Corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States Patent for the

### SIGNAL PLACER MINING CLAIM.

situate in the County of Kern, State of California, embracing the SE.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M. D. M., location notice of which is recorded in the office of the Recorder of said County of Kern, in Book 40 of Mining Records, Page 293.

Said mining claim contains an area of 160 acres, and no claims adjoin said mining claim which conflict therewith, as said claim and other adjacent thereto are located in accordance with the United States survey of said land.

POSTED on the ground this 3d day of November,  
A. D. 1911.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent.

Witnesses to posting:

W. L. McLAINE.

F. M. ANDERSON. [98]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the SIGNAL PLACER  
MINING CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

PUBLISHER'S CONTRACT.

State of California,  
County of Kern,—ss.

The undersigned the Editor and Publisher of the  
“Delano Record,” a weekly newspaper published in  
Delano, Kern County, California, hereby agrees to  
publish the Notice of Intention of the Lost Hills  
Mining Company, a corporation, to apply for patent  
to the Signal Placer Mining Claim, as required by  
Act of Congress approved May 10, 1872, and Amend-  
ments thereof, and the Act of Congress relating to  
the sale and disposition of public lands chiefly valu-

able for petroleum, situate in the County of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same.

And it is hereby expressly stipulated and agreed that no claim shall be made against the Government of the United States, or its officers or agents, for such publication.

IN WITNESS WHEREOF, the undersigned has duly executed this agreement this 13th day of November, A. D. 1911.

C. H. SEIDERS,  
Editor and Publisher. [99]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the SIGNAL PLACER  
MINING CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

AUTHORITY TO SEND NOTICES.

To the Register and Receiver of the United States  
Land Office, Visalia, California.

The undersigned, the Lost Hills Mining Company, a corporation, the applicant in the above-entitled and numbered application, hereby authorizes you or either of you, to send all notices concerning said ap-

plication to U. T. CLOTFELTER, attorney at law,  
409 Kerckhoff Building, Los Angeles, California,  
and agrees that notices so sent shall be deemed to be  
notices to the undersigned.

Dated November 10th, A. D. 1911,

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [100]

Feby. 24, 1912.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432—679644.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the SIGNAL PLACER  
MINING CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

## INDEX.

	Page
Proof of Continuous Posting .....	1-2
Proof of Publication of Notice .....	3-4
Application to Purchase .....	5-6
Sworn Statement of Charges and Fees Paid....	7-8
Register's Certificate of Posting Notice.....	—
[101]	



IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the SIGNAL PLACER  
MINING CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

PROOF OF CONTINUOUS POSTING.

State of California,  
County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to  
law, deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years, and is duly authorized to  
act for and on behalf of the applicant above named,  
as is shown by the duly certified copy of resolution  
of said company, conferring said authority upon him  
on file in the above-entitled proceeding.

That the notice of intention of the applicant herein  
to apply for patent for the

SIGNAL PLACER MINING CLAIM,

embracing the lands hereinbefore described, was  
posted upon said mining claim on the 3d day of  
November, 1911, as is fully set forth and described  
in the affidavit of W. L. McLaine and F. M. Ander-  
son, dated the 3d day of November, 1911, which affi-

davit was duly filed in the office of the Register of the United States [102] Land Office at Visalia, in the State of California.

That said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 3d day of November, A. D. 1911, to and including the 15th day of February, A. D. 1912, including the sixty-day period during which the notice of said application for patent was published in the newspaper.

O. D. BARTON.

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that I consider the above affiant a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto and the oath made by him.

[Seal]

C. E. FARNSWORTH,

Notary Public in and for the County of Tulare,  
State of California, Duly Commissioned and  
Sworn. [103]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the SIGNAL PLACER  
MINING CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

PROOF OF PUBLICATION OF NOTICE.

State of California,  
County of Kern,—ss.

(Here is newspaper clipping which is verbatim the same as Notice of Application for Patent herein given signed and posted by Geo. W. Stewart, Register United States Land Office, Visalia, California).

C. H. Seiders, being duly sworn deposes and says that he is the Editor and Publisher of the "Delano Record," and has charge of and attends to the matter of publishing — of all notices received from the above-entitled land office that the annexed Notice was published in the "Delano Record," a weekly newspaper published in the town of Delano, county of Kern, State of California, in each issue of said paper for ten (10) consecutive weeks, the first publication being on the 23d day of November, 1911, and the last publication being on the 25th day of January, 1912.

C. H. SEIDERS.

[104]

Subscribed and sworn to before me this 21st day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the

foregoing affidavit was read by him before his name was subscribed thereto.

[Seal]

W. B. TIMMONS.

Notary Public in and for the County of Kern, State of California, Duly Commissioned and Sworn.

[105]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the SIGNAL PLACER  
MINING CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

APPLICATION TO PURCHASE.

To the Register and Receiver of the United States  
Land Office, Visalia, California.

The undersigned, Lost Hills Mining Company, a corporation, under the provisions of the Revised *States* of the United States, Chapter VI, Title 32, and legislation of Congress supplemental thereto, hereby applies to purchase that certain placer mining claim known as the Signal Placer Mining Claim, embracing the SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E., M. D. M., containing 160 acres according to the system of public lands survey of the United States, and hereby agrees to pay therefor the sum of \$400.00 being the legal price thereof.

Dated February 24th, 1912.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [106]

I, George W. Stewart, Register of the United States Land Office at Visalia, California, do hereby certify that the aforesaid mining claim as applied for above is subject to entry by the above-named applicant, that the area of said claim is 160 acres and that the legal price thereof is \$400.00.

Dated February, 1912.

---

Register. [107]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the SIGNAL PLACER  
MINING CLAIM.

EMBRACING:

The SE.  $\frac{1}{4}$  of Sec. 30, T. 26 S., R. 21 E.,  
M. D. M., Kern County, California.

SWORN STATEMENT OF CHARGES AND  
FEES PAID.

State of California,  
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to  
law, deposes and says:

That he is a citizen of the United States over the



age of twenty-one years and is duly authorized to act for and on behalf of the applicant above named, as is shown by the duly certified copy of resolution of said company conferring said authority upon him, on file in the above-entitled proceeding.

That in the prosecution of the above-entitled and numbered application the applicant has paid the sums of money following:

To the Register and Receiver for Filing Ap-	
plication for Patent .....	\$ 10.00
For Publication of Notice of Application...	25.00
For Purchase Price of Land .....	400.00
<hr/>	
Total.....	\$435.00
O. D. BARTON. [108]	

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto.

[Seal] E. C. FARNSWORTH,  
Notary Public in and for the County of Tulare, State  
of California, Duly Commissioned and Sworn.  
[109]

NOTICE OF APPLICATION FOR PATENT.  
Nov. 18, 1911.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432-03432.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands

commonly known as "placers," and in accordance with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States Patent for the

**SIGNAL PLACER MINING CLAIM**

situate in the County of Kern, State of California, embracing the SE.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M. D. M., location notice of which is recorded in the office of the Recorder of said County of Kern in Book 40 of Mining Records, page 293.

Said claim contains an area of 160 acres and no claims adjoin said mining claim which conflict therewith as said claim and others adjacent thereto are located in accordance with the United States Survey of said land.

**GEO. W. STEWART,**

Register.

Date of first publication Nov. 20, 1911. A. D. 1911.

[110]

Feb. 29, 1912.

4-229

03432.

**CERTIFICATE THAT NOTICE REMAINED  
POSTED SIXTY DAYS.**

**UNITED STATES LAND OFFICE.**

At Visalia, Calif., February 29, 1912.

I hereby certify that a notice, of which the attached notice is a copy of application No. 03432 by Lost Hills Mining Company for a patent for the Signal Placer Mining Claim, remained conspicuously

posted in this office for the full period of sixty days; that said notice was posted on the 20th day of November, A. D. 1911, and remained posted until the 29th day of February, A. D. 1912; that during that time the plat of the official survey No. — of said claim remained in this office, and that no adverse claim has been filed.

GEO. W. STEWART,  
Register. [111]

Received

Feb. 2, 1912.

Nov. 21, 1911.

03432.

Second Field Division.

NOTICE OF APPLICATION FOR PATENT.  
IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.  
(Not Coal Land.)

MINERAL ENTRY —.

November 20, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States patent for the

SIGNAL PLACER MINING CLAIM

situate in the County of Kern, State of California, embracing the SE.  $\frac{1}{4}$  of Section 30, T. 26 S., R. 21 E., M. D. M., location notice of which is recorded in the

office of the Recorder of said County of Kern, in Book 40 of Mining Records, page 293.

Said claim contains an area of 160 acres and no claims adjoin said mining claim which conflict therewith as said claim and others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,  
Register.

Date of first publication Nov. 20, 1911. A. D. 1911.

(Stamped in red ink is the following, in which is written the underlined portions:)

PROTEST

against the validity of this entry is filed in this office.

A. O. WHITE,

Acting Chief of Field Division

Jan. 31, 1912. [112]

EXHIBIT "C."

Dec. 2, 1911.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457—679416.

In the Matter of the Application of the LOST HILLS  
MINING COMPANY, a Corporation, for Patent to the EAGLE PLACER MINING  
CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 32 T. 26 S., R. 21 E,  
M. D. B. & M., in Kern County, California,  
containing 160 acres.

## INDEX.

	Pages
Application for Patent.....	1- 7
Supplemental and Corroborative Affidavit....	8-11
Notice of Location.....	12-13
Certified Copy of Articles of Incorporation...	14-19
Resolution Appointing Agent .....	20-21
Proof of Improvements.....	22-26
Affidavit of Non-existence of Lode or Vein....	27-28
Affidavit of Disinterested Witnesses.....	29-30
Proof of Posting Notice upon Claim.....	31-33
Publisher's Contract .....	34-35
Authority to Send Notices .....	36
<b>[113]</b>	

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST HILLS  
MINING COMPANY, a Corporation, for  
Patent to the EAGLE PLACER MINING  
CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., in Kern County, California,  
containing 160 acres.



## APPLICATION FOR PATENT.

To the Register and Receiver of the United States  
Land Office, Visalia, California.

State of California,

County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to  
law, upon his oath deposes and says:

Affiant's Authority and Address.

That he is a citizen of the United States over the  
age of twenty-one years, whose post-office address  
is Visalia, Tulare County, California, and that he is  
the person duly designated, authorized and empow-  
ered by resolution of the Board of Directors of the  
Lost Hills Mining Company, a corporation, to make  
on its behalf all necessary affidavits and other in-  
struments in writing pertaining to an application by  
said company for United States Patent to the Eagle  
Placer Mining Claim, as fully appears from a duly  
certified copy of said resolution filed with this [114]  
application.

Company's Qualification and Address.

That the Lost Hills Mining Company is a corpora-  
tion duly created, organized and existing under the  
laws of the State of California, and has its offices and  
principal place of business in the City and County  
of San Francisco, State of California, and without  
the Land District in which the land involved in this  
application is situate; that its postoffice address is  
221 Crocker Building, said City and County of San  
Francisco; that the directors of said corporation are  
each and all of them citizens of the United States.

### Placer Locations.

That on February 14, 1907, the NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., situate in the County of Kern, State of California, was public land of the United States open to location and appropriation under the laws of the United States relating to what are commonly known as "Placers" and land chiefly valuable for petroleum, and on said date H. J. Hoyt, F. R. Hight, L. M. Fredericks, A. R. Orr, H. Widmer, C. A. Butts, Sarah McCord, and W. B. Wallace, each and all of whom were then citizens of the United States, duly located said quarter section of land under the laws of the United States aforesaid, as the Eagle Placer Mining Claim, as more fully appears by the duly certified copy of notice of Location filed herewith which is hereby referred to and made a part hereof.

### Transfer to Applicant.

That thereafter and on March 18, 1909, the above-named locators by deed duly executed and delivered to said company conveyed the said placer mining claim and the land above described and all of their right, title and interest therein, to the Lost Hills Mining Company, the applicant herein, all of which more fully appears by the duly certified [115] abstract of title on file in this proceeding, which is hereby referred to and made a part hereof.

### Possession.

That ever since February 14, 1907, the land hereinbefore described has been in the actual, peaceable, open, notorious, continuous, exclusive and undisturbed possession of the Lost Hills Mining Company,

the applicant herein, and its predecessors in interest, the locators hereinbefore named, and during each year since the year 1907, more than \$100.00 has been expended upon said land in the way of work and improvements thereon and in the development thereof and in the doing of the annual assessment work required by the laws of the United States.

### Work Done and Mineral Developed.

That the applicant has opened up and developed an extensive and valuable deposit of gypsum of good commercial quality upon said land; that in exploring and developing said deposit the applicant has excavated a total area of 50,000 square feet and various cuts aggregating about 566 feet in length of a width of 8 feet and of a depth of  $11\frac{1}{2}$  feet on the land involved in this application.

That all of said excavations and said cuts are made upon the deposit of gypsum that exists upon said land, but though extensive as this work is does not disclose the full extent of the deposit of said mineral on said quarter section.

That said mineral exists in layers or blanket formation, one of which is about 3 feet in thickness, lying close to the surface of the ground, and the other layer is about 60 feet in thickness, beginning about seven feet below the surface.

That in both layers or blankets of gypsum above mentioned said mineral is of sufficient purity to make it valuable for use in the various ways in which such mineral is employed commercially. [116]

That the development work aforesaid discloses the existence of many thousands of tons of gypsum on

the land involved in this application, which has a value of at least \$2.00 per ton on the ground.

That in addition to the foregoing work applicant has drilled a well 750 feet east of the SW. corner of said quarter section to the depth of about 831 feet in and by which a deposit of petroleum has been developed which through said well produces petroleum at the rate of about 750 barrels per day.

Expenditures.

That in the work of developing the gypsum as aforesaid on the land involved in this application the applicant has expended at least \$800.00 and in the boring of the well on said quarter section it has expended over \$10,000.00.

Applicant *Bona Fide* Occupant and Claimant.

That prior to and at the time of the passage and approval of an act of Congress entitled "An Act to authorize the President of the United States to make withdrawals of public lands in certain cases," approved June 25, 1910, Chapter 421, United States Statutes, Page 847, the applicant was a *bona fide* occupant and in the possession of the land above described under a *bona fide* claim thereto by virtue of the location thereof and development work done thereon pursuant to said location.

Rivers and Timber.

That the land described in this application is situate in a dry and arid portion of the County of Kern, State of California, and that there are no streams or springs of water or growth of timber thereon; that the only vegetation upon said land is the wild native grass and some small shrubs or brush, but so scant

is the growth of both that the land is not fit for grazing purposes even, except for a very small portion of an occasional spring of a year when the rainfall [117] is sufficient to produce a growth of natural grass.

#### Character of the Land.

That the soil of said land is so thoroughly impregnated with minerals such as lime and gypsum that nothing grows thereon except the grass and shrubs above mentioned and they are short and but thinly cover the ground; that this condition is so pronounced that the only use to which the land can profitably be devoted is that of producing petroleum or gypsum therefrom; that so dry and arid is the region in which the land is situated and so unproductive is it in the way of grass and shrubs that except for its value for the deposits of petroleum developed therein as aforesaid and deposits of gypsum thereon, that it is for all practical purposes worthless; that this application is made in good faith for the purpose of obtaining title to the land above described for the mineral deposits therein and not for the purpose of obtaining title to any timber thereon or the control of any streams or springs of water thereon.

#### Application for Patent.

That upon the facts and for the reasons hereinbefore stated, affiant hereby makes application for United States Patent, to the land above described under the name of the



**EAGLE PLACER MINING CLAIM.**

for the benefit and in behalf of the Lost Hills Mining Company, a corporation.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponent a credible and reliable person, and that the foregoing application was read and examined by him before his signature was affixed thereto and the oath [118] made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California. Duly commissioned and Sworn.

[119]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST HILLS  
MINING COMPANY, a Corporation, for  
Patent to the EAGLE PLACER MINING  
CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., in Kern County, California,  
containing 160 acres.

**SUPPLEMENTAL AND CORROBORATIVE  
AFFIDAVIT.**

State of California,  
County of Tulare,—ss.

F. H. Davis, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and is now and for six years last past has been engaged in the business of the manufacture of cement as the General Superintendent of the Santa Cruz Portland Cement Company which has a plant at Davenport, California, and also for the one year last past as General Superintendent of the Standard Portland Cement Company with a plant at Napa Junction, said State.

That in the manufacture of cement gypsum is employed for regulating its set.

That the cement companies above named use in the manufacture of cement about 12,000 tons of gypsum per annum, and obtain their supply for Mound House, Nevada, for the plant of the standard [120] Company, and from near Kings City, California, for the plant of the Santa Cruz Company.

That affiant is familiar with the deposits of gypsum existing upon the NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., Kern County, California, account of having been in personal charge of much of the work done thereon in the development thereof by the Lost Hills Mining Company.

That for the purpose of determining whether said last mentioned deposit of gypsum was of a quality that could profitably be used in the manufacture of cement, affiant had samples taken therefrom which were so selected as to show as accurately as possible the average quality of the gypsum on the quarter section of land last above described, and to show as nearly as possible what a mine run of the gypsum would disclose as to quality; that said samples were

made up of the poorest quality of gypsum on the quarter as well as of the best, in such way as to constitute a fair average sample of the deposit.

That after said samples were taken the same were quartered down to the weight of from 25 to 50 pounds and tested at the cement plant above mentioned, located at Davenport, California.

Said test showed the deposit to be as follows: one sample 74.76% gypsum, one sample 42.20% gypsum, one sample 48.45% gypsum.

That said samples and said tests also showed that the quality of gypsum in the deposit on said quarter section was such that it could be profitably used in the manufacture of cement; that much of said deposit is of as good quality as that obtained from Kings City, California, and used as aforesaid at the plant of the Santa Cruz Portland Cement Company.

That 50% of the deposit of gypsum on said section 32 will [121] average at least 80% pure, which is a very high grade of gypsum and very desirable for use in the manufacture of cement.

That affiant from the samples above-mentioned and numerous others taken and tested by him and from his knowledge of the great extent of the deposit of gypsum on said land has advised his employers, the cement companies above named, to obtain the gypsum for their plants from said deposits instead of from those at Mound House, Nevada, and Kings City, California, and said companies have determined to act upon this advice as soon as the transportation facilities are provided for shipping gypsum from sec-

tions 30 and 42, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California.

That the present market value of the gypsum in the deposits on the sections last above mentioned is at least \$2.00 per ton and on the quarter section mentioned in this application there are many thousands of tons of said mineral of said value.

That account of the demand therefor in connection with the growing of citrus fruit and other crops affiant for his employers is making arrangements to establish a mill for the grinding of the poorer grades of gypsum in said sections for the supplying of such demand and is informed and believes and on such information and belief states that a price of from \$8.00 to \$9.00 per ton can be obtained therefor at points of delivery in Tulare, Fresno, Kings and Kern Counties, California.

F. H. DAVIS.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[122]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., in Kern County, California,  
containing 160 acres.

NOTICE OF LOCATION PLACER CLAIM.

Notice is hereby given, that the undersigned citi-  
zen of the United States in compliance with the re-  
quirements of the Revised Statutes of the United  
States have this day located the following described  
placer mining ground, viz.:

The Northeast quarter Section 32, Township 26  
South, Range 21 East, M. D. B. & M., situate in the  
Lost Hills Mining District, County of Kern, State  
of California.

This claim shall be known as the Eagle Placer  
Mining Claim.

Located 14th day of February, 1907.

H. J. HOYT.

F. R. HIGHT.

L. M. FREDERICKS.

A. R. ORR.

H. WIDMER.

C. A. BUTTS.

SARAH McCORD.

W. B. WALLACE. [123]



I hereby certify the above and foregoing to be a true and correct copy of the original, filed for record at the request of J. N. Hoyt, Feb. 23, A. D. 1907, at 10 minutes past 9 o'clock A. M.

CHAS. A. LEE,  
Recorder.

By \_\_\_\_\_,  
Deputy Recorder.

State of California,  
County of Kern,

I, Chas. A. Lee, County Recorder of said County, do hereby certify that the annexed is a whole, true, and correct copy of an original as will appear by reference to Book 40 of Mining Records, p. 287, now in my office, and that said copy has been compared with the original and is a correct transcript therefrom.

WITNESS my hand and official seal this 8th day of November, A. D. 1911.

CHAS. A. LEE,  
Recorder in and for the County of Kern, California.

By \_\_\_\_\_,  
Deputy.

[Official Seal County Recorder, Kern Co., Cal.]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., in Kern County, California,  
containing 160 acres.

CERTIFIED COPY OF ARTICLES OF  
INCORPORATION.

(Here appears a certified copy of Articles of Incorporation of the Lost Hills Mining Company which is identically the same as the copy of the certified Articles of Incorporation as appears in Exhibit "A," with the exception that the certificate of the Secretary of State is numbered 19371 instead of 18233, is dated the 2d day of November, 1911, is signed by Frank C. Jordan, Secretary of State personally, and is numbered in the application for patent herein pages 15, 16, 17, 18 and 19.) [125]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., in Kern County, California,  
containing 160 acres.

RESOLUTION APPOINTING AGENT.

WHEREAS, this corporation, the Lost Hills Min-  
ing Company, a corporation duly organized under  
the laws of the State of California, is the owner of  
certain oil placer mining claims in the county of  
Kern, State of California, for which it desires and is  
about to apply for United States patent; and—

WHEREAS, the principal place of business of  
this corporation is the City and County of San Fran-  
cisco, State of California, and without the United  
States Land District in which said mining claims  
are situate;

NOW THEREFORE, .

BE IT RESOLVED: that O. D. Barton, who is a  
citizen of the United States, over the age of twenty-  
one years, be and he is hereby appointed the agent  
of this company for the purpose of making appli-  
cations for United States patent to the mining claims  
owned by this company, and he is hereby authorized

and empowered to make, execute, sign and verify any and all instruments in writing [126] necessary to be made in connection with said patent proceedings, and any documents which it may be necessary to file in the Department of the Interior of the United States in connection with and pertaining to such patent proceedings for and on the behalf of this corporation, and as its act and deed.

I, James H. Cameron, the duly elected, qualified and acting secretary of the Lost Hills Mining Company, a corporation, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed by the Board of Directors of said company at a meeting duly held by said Board on the 29th day of May, 1911, and that the original of said resolution is recorded in the Book of Minutes of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said company the 2d day of June, 1911.

JAMES H. CAMERON,

Secretary.

[Corporate Seal of Lost Hills Mining Company.]

[127]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., in Kern County, California,  
containing 160 acres.

PROOF OF IMPROVEMENTS.

State of California,  
County of Tulare,—ss.

O. D. Barton, being duly sworn according to law,  
upon his oath deposes and says:

That he is a citizen of the United States, over the  
age of twenty-one years and that he is the person  
designated and duly authorized and empowered by  
resolution of the Board of Directors of the Lost Hills  
Mining Company, a corporation, to make on behalf  
of said company all affidavits and to execute any  
and all instruments in writing pertaining to the ap-  
plication by said company for United States Pat-  
ent to the Eagle Placer Mining Claim, situate in the  
county of Kern, State of California, embracing the  
land hereinbefore described, as more particularly  
appears by the certified copy of resolution of the  
Board of Directors of said company on file herewith.



That the applicant has opened up and developed an extensive [128] and valuable deposit of gypsum of good commercial quality upon said land; that in exploring and developing said deposit the applicant has excavated a total area of 50,000 square feet and various cuts aggregating about 566 feet in length of a width of 8 feet and of a depth of 11½ feet on the land involved in this application.

That all of said excavations and said cuts are made upon the deposit of gypsum that exists upon said land but though extensive as this work is does not disclose the full extent of the deposit of said mineral on said quarter section.

That said mineral exists in layers or blanket formation, one of which is about 3 feet in thickness, lying close to the surface of the ground, and the other layer is about 60 feet in thickness, beginning about seven feet below the surface.

That in both layers or blankets of gypsum above mentioned said mineral is of sufficient purity to make it valuable for use in the various ways in which such mineral is employed commercially. That the development work aforesaid discloses the existence of many thousands of tons of gypsum on the land involved in this application, which has a value of at least \$2.00 per ton on the ground.

That in addition to the foregoing work applicant has drilled a well 750 feet each of the SW. corner of said quarter section to the depth of about 831 feet in and by which a deposit of petroleum has been developed which through said well produces petroleum at the rate of about 750 barrels per day.

That the work of developing the gypsum as aforesaid on the land involved in this application, the applicant has expended at least \$800.00 and in the boring of the well on said quarter section it has expended over \$10,000.00.

O. D. BARTON. [129]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[130]

CORROBORATION BY TWO DISINTERESTED WITNESSES.

State of California,  
County of Tulare,—ss.

Earl Northrup and Nate Cahn, each for himself and not one for the other, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States, over the age of twenty-one years and not interested in the application for patent made by the Lost Hills Mining Company for the Eagle Placer Mining Claim, covering the NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. M., Kern County, California.

That he is familiar with said land and the whole thereof, having been upon and over the same fre-

quently, and knows what work and improvements the said applicant has caused to be done and made thereupon; that he has read the foregoing affidavit of O. D. Barton and knows the contents thereof; that the said affidavit correctly states and describes the work and improvements upon the land hereinbefore described; that the drilling outfit and well mentioned in said affidavit are actually upon the ground and that said work and improvements cost at least as much as it is stated to have cost in said affidavit of O. D. Barton.

EARL NORTHROP.

NATE CAHN.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[131]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., in Kern County, California,  
containing 160 acres.

AFFIDAVIT OF NONEXISTENCE OF LODGE  
OR VEIN.

State of California,  
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to  
law, upon his oath deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years and that he is the person  
designated and duly authorized and empowered by  
resolution of the Board of Directors of the Lost Hills  
Mining Company, a corporation, to make on behalf  
of said company all affidavits and to execute any  
and all instruments in writing pertaining to the  
application by said company for United States Pat-  
ent to the Eagle Placer Mining Claim, situate in the  
county of Kern, State of California, embracing the  
land hereinbefore described, as more particularly  
appears by the certified copy of resolution of the  
Board of Directors of said company on file herewith.

The affiant is now and for a long time prior hereto has been thoroughly familiar with the NE.  $\frac{1}{4}$  of Section 32, T. 26 S., [132] R. 21 E., M. D. B. & M., Kern County, California, having been upon and over the same frequently.

That no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

That the affiant makes this affidavit on behalf of the applicant above named, the Lost Hills Mining Company, a corporation. .

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[133]



IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., in Kern County, California,  
containing 160 acres.

AFFIDAVIT OF DISINTERESTED WIT-  
NESSES OF NONEXISTENCE OF LODE  
OR VEIN.

State of California,  
County of Tulare,—ss.

Earl Northrop and Nate Cahn, being each duly  
sworn according to law, each for himself upon his  
oath deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years and not interested in any  
way in the land involved in this application or in  
any part thereof.

That affiant is now and for a long time prior hereto  
has been thoroughly familiar with the NE.  $\frac{1}{4}$  of Sec-  
tion 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern  
County, California, having been upon and over the  
same frequently.

That no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

EARL NORTHROP.

NATE CAHN. [134]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State  
of California, Duly Commissioned and Sworn.  
[135]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., in Kern County, California,  
containing 160 acres.

PROOF OF POSTING NOTICE UPON CLAIM.

State of California,  
County of Kern,—ss.

F. H. Davis and Chester H. Miller each for himself and not one for the other, being first duly sworn, according to law, upon his oath deposes and says:

That he is a citizen of the United States over the age of twenty-one years and was present upon the tenth day of November, A. D. 1911, when the Notice of Intention of the Lost Hills Mining Company, a corporation, to apply for United States Patent for the Eagle Placer Mining Claim, embracing the NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., was posted upon the ground.

That said notice was so posted and in such a conspicuous place upon said placer oil mining claim at and upon the derrick over the oil well upon said claim that said notice could be easily and readily seen and examined.

A copy of said notice so posted upon said claim as aforesaid [136] is hereto attached, hereby referred to and made a part of this affidavit.

F. H. DAVIS.

CHESTER H. MILLER.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were

affixed thereto and the oath made by them.

[Seal]

JOHN T. GREEN,

Notary Public in and for the County of Kern, State  
of California, Duly Commissioned and Sworn.

[137]

NOTICE OF APPLICATION FOR PATENT.

(Not Coal Land.)

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

NOTICE IS HEREBY GIVEN that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers" and in accordance with the rules and regulations of the Secretary of the Interior promulgated under such laws, the LOST HILLS MINING COMPANY, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States Patent for the

EAGLE PLACER MINING CLAIM,  
embracing the NE.  $\frac{1}{4}$  of Sec. 32, T. 26 S., R. 21 E. M. D. B. & M., in Kern County, California, containing an area of 160 acres, the Notice of Location, of which is recorded in Book 40 of Mining Records, at page 287 in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith as said claim and all others adjacent thereto are located in accordance with the United States Survey of said land.

POSTED upon the ground this 10th day of November, A. D. 1911.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent.

Witnesses to posting:

F. H. DAVIS,

CHESTER H. MILLER. [138]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Sec. 32, T. 26 S., R. 21 E., M. D.  
B. & M., in Kern County California, con-  
taining 160 acres.

PUBLISHER'S CONTRACT.

State of California,

County of Kern,—ss.

The undersigned, the Editor and Publisher of the  
“Delano Record,” a weekly newspaper published in  
Delano, Kern County, California, hereby agrees to  
publish the Notice of Intention of the Lost Hills Min-  
ing Company, a corporation, to apply for patent to  
the Eagle Placer Mining Claim, as required by Act  
of Congress approved May 10, 1872, and Amend-  
ments thereof, and the Act of Congress relating to



the sale and disposition of public lands chiefly valuable for petroleum, situate in the County of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same.

And it is hereby expressly stipulated and agreed that no claim shall be made against the Government of the United States, or its officers or agents, for such publication.

IN WITNESS WHEREOF, the undersigned has duly executed this agreement this 13th day of November, A. D. 1911.

C. H. SEIDERS,  
Editor and Publisher. [139]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Sec. 32, T. 26 S., R. 21 E., M. D.  
B. & M., in Kern County California, con-  
taining 160 acres.

AUTHORITY TO SEND NOTICES.

To the Register and Receiver of the United States  
Land Office, Visalia, California.

The undersigned, the Lost Hills Mining Company,  
a corporation, the applicant in the above-entitled

and numbered application, hereby authorizes you or either of you, to send all notices concerning said application to U. T. Clotfelter, attorney at law, 409 Kerckhoff Building, Los Angeles, California, and agrees that notices so sent shall be deemed to be notices to the undersigned.

Dated November 10th, A. D. 1911.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [140]

Feby. 24, 1912.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457-679646.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Sec. 32, T. 26 S., R. 21 E., M. D.  
B. & M., in Kern County California, con-  
taining 160 acres.

## INDEX.

	Page
Proof of Continuous Posting.....	1-2
Proof of Publication of Notice.....	3-4
Application to Purchase.....	5-6
Sworn Statement of Charges and Fees Paid...	7-8
Register's Certificate of Posting Notice.....	

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Sec. 32, T. 26 S., R. 21 E., M. D.  
B. & M., in Kern County California, con-  
taining 160 acres.

PROOF OF CONTINUOUS POSTING.

State of California,  
County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to  
law, deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years, and is duly authorized to  
act for and on behalf of the applicant above-named,  
as is shown by the duly certified copy of resolution  
of said company conferring said authority upon him,  
on file in the above-entitled proceeding.

That the notice of intention of the applicant herein  
to apply for patent for the

EAGLE PLACER MINING CLAIM,  
embracing the lands hereinbefore described, was  
posted upon said mining claim on the 10th day of  
November, 1911, as is fully set forth and described  
in the affidavit of F. H. Davis and Chester H. Miller,  
dated the 10th day of November, 1911, which affidavit

was [142] duly filed in the office of the Register of the United States Land Office at Visalia, in the State of California.

That said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 10th day of November, A. D. 1911, to and including the 15th day of February, A. D. 1912, including the sixty day period during which the notice of said application for patent was published in the newspaper.

O. D. BARTON.

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that I consider the above affiant a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto and the oath made by him.

[Seal]

E. C. FARNSWORTH,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[143]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M.  
D. B. & M., in Kern County, California,  
containing 160 acres.

## PROOF OF PUBLICATION OF NOTICE.

State of California,  
County of Kern,—ss.

(Here is newspaper clipping which is verbatim the same as Notice of Application for Patent herein given signed and posted by Geo. W. Stewart, Register United States Land Office, Visalia, California.).

C. H. Seiders, being duly sworn deposes and says that he is the Editor and Publisher of the "Delano Record," and has charge of and attends to the matter of publishing of all notices received from the above-entitled Land Office; that the annexed Notice was published in the "Delano Record," a weekly newspaper published in the town of Delano, County of Kern, State of California, in each issue of said paper for ten (10) consecutive weeks, the first publication being on the 7th day of December, 1911, and the last publication [144] being on the 8th day of February, 1912.

C. H. SEIDERS.

Subscribed and sworn to before me this 21st day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the



foregoing affidavit was read by him before his name was subscribed thereto.

[Seal]

W. B. SIMMONS.

Notary Public in and for the County of Kern, State of California, Duly Commissioned and Sworn.

[145]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M.  
D. B. & M., in Kern County, California,  
containing 160 acres.

APPLICATION TO PURCHASE.

To the Register and Receiver of the United States  
Land Office, Visalia, California.

The undersigned, LOST HILLS MINING COM-  
PANY, a corporation, under the provisions of the  
Revised Statutes of the United States, Chapter VI,  
Title 32, and legislation of Congress supplemental  
thereto, hereby applies to purchase that certain  
placer mining claim known as the Eagle Placer Min-  
ing Claim, embracing the NE.  $\frac{1}{4}$  of section 32, T.  
26 S., R. 21 E., M. D. B. & M., containing 160 acres,  
according to the system of public lands survey of the

United States, and hereby agrees to pay therefor the sum of \$400.00, being the legal price thereof.

Dated February 24th, 1912.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [146]

I, George W. Stewart, Register of the United States Land Office at Visalia, California, do hereby certify that the aforesaid mining claim as applied for above is subject to entry by the above-named applicant, that the area of said claim of 160 acres, and that the legal price thereof is \$400.00.

Dated February —, 1912.

---

Register. [147]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY a Corpora-  
tion, for Patent to the EAGLE PLACER  
MINING CLAIM.

EMBRACING:

The NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M.  
D. B. & M., in Kern County, California, con-  
taining 160 acres.

SWORN STATEMENT OF CHARGES AND  
FEES PAID.

State of California,  
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and is duly authorized to act for and on behalf of the applicant above named, as is shown by the duly certified copy of resolution of said company conferring said authority upon him, on file in the above-entitled proceeding.

That in the prosecution of the above-entitled and numbered application the said applicant has the sums of money following:

To the Register and Receiver for filing ap- plication for Patent.....	\$ 10.00
For publication of Notice of Application....	25.00
For purchase price of land.....	400.00
Total.....	\$425.00

O. D. BARTON. [148]

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto.

[Seal]

E. C. FARNSWORTH,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[149]

## NOTICE OF APPLICATION FOR PATENT.

Dec. 2, 1911.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

(Not Coal Land.)

MINERAL ENTRY No. 03457.

December 2, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, has made application for United States patent for the

## EAGLE PLACER MINING CLAIM.

situate in the County of Kern, State of California, embracing the NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California, containing an area of 160 acres, location notice of which is recorded in Book 40 of Mining Records, page 287, in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith, as said claim and others adjacent thereto are located in accordance with the United States Survey of said land.

GEO W. STEWART,

Register.

Date of first publication —, A. D. 1911. [150]

Feb. 29, 1912.

4-229.

03457.

CERTIFICATE THAT NOTICE REMAINED  
POSTED SIXTY DAYS.

UNITED STATES LAND OFFICE.

At Visalia, Calif., February 29, 1912.

I hereby certify that a notice, of which the attached notice is a copy of application No. 03457 by Lost Hills Mining Company for a patent for the Eagle Placer Mining Claim, remained conspicuously posted in this office for the full period of sixty days; that said notice was posted on the 2d day of December, A. D. 1911, and remained posted until the 29th day of February, A. D. 1912; that during that time the plat of the official survey No. — of said claim remained in this office, and that no adverse claim has been filed.

GEO. W. STEWART,

Register. [151]

Feb. 2, 1912.

Withdrawn.

03457.

NOTICE OF APPLICATION FOR PATENT.  
IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

(Not Coal Land.)

MINERAL ENTRY No. 03457.

December 2, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corpo-



ration, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, has made application for United States patent for the

#### EAGLE PLACER MINING CLAIM

situate in the County of Kern, State of California, embracing the NE.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California, containing an area of 160 acres, location notice of which is recorded in Book 40 of Mining Records, page 287, in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith, as said claim and others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,  
Register.

Date of first publication ———, A. D. 1911.

(Stamped in red ink is the following, in which is written the underlined portions:)

#### PROTEST

against the validity of this entry is filed in this office.

A. O. White

Acting Chief of Field Division

Jan. 31, 1912

(Date). [152]

EXHIBIT "D."

Dec. 2, 1911.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459—679418.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M.  
D. B. & M., Kern County, California, con-  
taining 160 acres.

INDEX.

	Pages.
Application for Patent.....	1-7
Supplemental and Corroborative Affidavit....	8-11
Notice of Location.....	12-13
Certified Copy of Articles of Incorporation...	14-19
Resolution Appointing Agent.....	20-21
Proof of Improvements.....	22-26
Affidavit of Nonexistence of Lode or Vein....	27-28
Affidavit of Disinterested Witnesses.....	29-30
Proof of Posting Notice upon Claim.....	31-33
Publishers Contract .....	34-35
Authority to Send Notices.....	36

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M.  
D. B. & M., Kern County, California, con-  
taining 160 acres.

APPLICATION FOR PATENT.

To the Register and Receiver of the United States  
Land Office, Visalia, California.

State of California,  
County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to  
law, upon his oath deposes and says:

Affiant's Authority and Address.

That he is a citizen of the United States over the  
age of twenty-one years, whose postoffice address is  
Visalia, Tulare County, California, and that he is  
the person duly designated, authorized and em-  
powered by resolution of the Board of Directors of  
the Lost Hills Mining Company, a corporation, to  
make on its behalf all necessary affidavits and other  
instruments in writing pertaining to an application  
by said company for United, [154] States Patent  
to the JUDGE PLACER MINING CLAIM, as

fully appears from a duly certified copy of said resolution filed with this application.

**Company's Qualification and Address.**

That the Lost Hills Mining Company is a corporation duly created, organized and existing under the laws of the State of California, and has its office and principal place of business in the City and County of San Francisco, State of California, and without the Land District in which the land involved in this application is situate; that its postoffice address is 221 Crocker Building, said City and County of San Francisco; that the directors of said corporation are each and all of them citizens of the United States.

**Placer Location.**

That on February 14, 1907, the SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., situate in the County of Kern, State of California, was public land of the United States open to location and appropriation under the laws of the United States relating to what are commonly known as "Placers" and land chiefly valuable for petroleum, and on said date W. B. Wallace, J. H. Butts, J. W. McCord, H. J. Hoyt, A. R. Orr, F. R. Hight, John Anderson and H. Widmer, each and all of whom were then citizens of the United States, duly located said quarter section of land under said laws of the United States as the Judge Placer Mining Claim, as more fully appears by the duly certified copy of Notice of Location filed herewith, which is hereby referred to and made a part hereof.

### Transfer to Applicant.

That thereafter and on March 18, 1909 the above named locators by deed duly executed and delivered to said company conveyed the said placer mining claim and the land above described, and all of their [155] right, title and interest therein, to the Lost Hills Mining Company, the applicant herein, all of which more fully appears by the duly certified abstract of title on file in this proceeding, which is hereby referred to and made a part hereof.

### Possession.

That ever since February 14, 1907, the land hereinbefore described has been in the actual, peaceable, open, notorious, continuous, exclusive and undisturbed possession of the Lost Hills Mining Company, the applicant herein, and its predecessors in interest, the locators hereinbefore named, and during each year since the year 1907, more than \$100,00 has been expended upon said land in the way of work and improvements thereon, and in the development thereof and in the doing of the annual assessment work required by the laws of the United States.

### Work Done and Mineral Developed.

That the applicant is now and ever since March 18, 1909, has been the owner and a *bona fide* claimant and occupant of a group of four adjacent placer mining claims embracing the whole of Section 32, T. 26 S., R. 21 E., M. D. M., containing an area of 640 acres, under and by virtue of four locations duly made under the laws of the United States relating to what are commonly called placers and lands chiefly valu-



able for petroleum, by associations of eight persons and conveyances of said claims, by the locators to the applicant on March 18, 1909.

That acting under the authority given it by an Act of Congress approved February 12, 1903 (32 Stats. L. 825\*), the applicant undertook to develop said mining claims as a group and accordingly in the month of July, 1910, placed an oil well drilling rig upon the SW.  $\frac{1}{4}$  of said Section 32 and in the SE. corner thereof, and during the months of July, August and September of the year 1910, [156] bored a well with said rig to a depth of about 400 feet, wherein and whereby such a showing of petroleum was discovered as proved that a deposit of petroleum existed on said Section 32, which would yield petroleum in paying quantities when properly developed.

Said well was drilled so close to the line between the SW.  $\frac{1}{4}$  and SE.  $\frac{1}{4}$  of said Section 32 that it showed that such deposit of petroleum existed on the SE.  $\frac{1}{4}$  of said Section as well as upon the SW.  $\frac{1}{4}$  thereof.

That as soon as said well was drilled, the applicant began the further development of the said group of claims by procuring another oil well drilling rig and commencing the drilling of a well therewith at a point upon what it thought was the northern part of the SE.  $\frac{1}{4}$  of said Section 32, but which in fact was at a point upon the NE  $\frac{1}{4}$  of said Section 32, located 750 feet East of the center of the said section and 80 feet north of the north line of the SE.  $\frac{1}{4}$  of said Section 32.

That said last mentioned rig was located on the

NE.  $\frac{1}{4}$  instead of the SE.  $\frac{1}{4}$  of said Section 32, account of the great difficulty which then existed in the matter of locating the survey stakes.

That said last mentioned rig was placed in the location last above described on October 1, 1910, and the drilling of a well at once begun and diligently continued to a depth of about 831 feet; that said well disclosed and developed a deposit of petroleum which produces through said well at the rate of 750 barrels of petroleum per day and demonstrates that such deposit exists upon the SE.  $\frac{1}{4}$  of said Section 32 as well as upon the NE.  $\frac{1}{4}$  thereof, account of the fact that said well is only 80 feet north of the north line of said SE.  $\frac{1}{4}$ .

That account of the results of the above mentioned work [157] the applicant has since drilled another well upon the SW.  $\frac{1}{4}$  of said Section 32 in the northeast corner thereof about 150 feet southwest from the center of said section to a depth of about 890 feet which produces petroleum at the rate of about 50 barrels per day.

That the applicant has opened up and developed an extensive and valuable deposit of gypsum of good commercial quality upon said land; that in exploring and developing said deposit the applicant has excavated a total area of 70,000 square feet and various cuts aggregating about 565 feet in length of a width of 8 feet and of a depth of  $11\frac{1}{2}$  feet.

That all of said excavations and said cuts are made upon the deposit of gypsum that exists upon said land, but though extensive as this work is does not

disclose the full extent of the deposit of said mineral on said quarter section.

That said mineral exists in layers or blanket formations, one of which is about 3 feet in thickness, lying close to the surface of the ground, and the other layer is about 60 feet in thickness, beginning about 7 feet below the surface.

That in both layers or blankets of gypsum above mentioned said mineral is of sufficient purity to make it valuable for use in the various ways in which such mineral is employed commercially. That the development work aforesaid disclosed the existence of many thousands of tons of gypsum upon the land involved in this application, which has a value of at least \$2.00 per ton on the ground.

#### Expenditures.

That in the work of developing the gypsum as aforesaid on the land involved in this application the applicant has expended at least \$900.00 and in the boring of the two wells on said quarter section it has expended over \$10,000.00. [158]

#### Applicant *Bona Fide* Occupant and Claimant.

That prior to and at the time of the passage and approval of an act of Congress entitled "An Act to authorize the President of the United States to make withdrawals of public lands in certain cases" approved June 25, 1910. Chapter 421, United States Statutes, page 847, the applicant was a *bona fide* occupant and in the possession of the land above described under a *bona fide* claim thereto by virtue of the location thereof and development work done thereon pursuant to said location.

### Rivers and Timber.

That the land described in this application is situate in a dry and arid portion of the County of Kern, State of California, and that there are no streams or springs of water or growth of timber thereon; that the only vegetation upon said land is the wild native grass and some small shrubs or brush, but so scant is the growth of both that the land is not fit for grazing purposes even, except for a very small portion of an occasional spring of a year when the rainfall is sufficient to produce a growth of natural grass.

### Character of the Land.

That the soil of said land is so thoroughly impregnated with minerals, such as lime and gypsum, that nothing grows thereon except the grass and shrubs above mentioned, and they are short and but thinly cover the ground; that this condition is so pronounced that the only use to which the land can profitably be devoted is that of producing petroleum or gypsum therefrom; that so dry and arid is the region in which the land is situate and so unproductive is it in the way of grass and shrubs that except for its value for the deposits of gypsum developed therein as aforesaid and deposits of gypsum thereon, that it is for all practical purposes worthless; that this application is made in good faith for the purpose of obtaining [159] title to the land above described for the mineral deposits therein and not for the purpose of obtaining title to any timber thereon or the control of any streams or springs or water thereon.

Application for Patent.

That upon the facts and for the reasons hereinbefore stated, affiant hereby makes application for United States Patent to the land above described under the name of the

**JUDGE PLACER MINING CLAIM**

for the benefit and in behalf of the Lost Hills Mining Company, a corporation.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing application was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[160]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., Kern County, California,  
containing 160 acres.



SUPPLEMENTAL AND CORROBORATIVE  
AFFIDAVIT.

State of California,  
County of Tulare,—ss.

F. H. Davis, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and is now and for six years last past has been engaged in the business of the manufacture of cement as the general superintendent of the Santa Cruz Portland Cement Company which has a plant at Davenport, California, and also for the one year last past as general superintendent of the Standard Portland Cement Company with a plant at Napa Junction, said State.

That in the manufacture of cement, gypsum is employed for regulating its set.

That the cement companies above named use in the manufacture of cement about 12,000 tons of gypsum per annum and obtain their supply from Mound House, Nevada, for the plant of the Standard [161] Company, and from near Kings City, California, for the plant of the Santa Cruz Company.

That affiant is familiar with the deposits of gypsum existing upon the SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., Kern County, California, account of having been in personal charge of much of the work done thereon in the development thereof by the Lost Hills Mining Company.

That for the purpose of determining whether said last mentioned deposit of gypsum was of a quality

that could profitably be used in the manufacture of cement, affiant had samples taken therefrom which were so selected as to show as accurately as possible the average quality of the gypsum on the quarter section of land last above described, and to show as nearly as possible what a mine run of the gypsum would disclose as to quality; that said samples were made up of the poorest quality of gypsum on the quarter as well as of the best, in such way as to constitute a fair average sample of the deposit.

That after said samples were taken the same were quartered down to the weight of from 25 to 50 pounds and tested at the cement plant, above mentioned, located at Davenport, California.

Said test showed the deposit to be 65.75% gypsum.

That said samples and said tests also showed that the quality of gypsum in the deposit on said quarter section was such that it could be profitably used in the manufacture of cement; that much of said deposit is of as good quality as that obtained from Kings City, California, and used as aforesaid as the plant of the Santa Cruz Portland Cement Company.

That 50% of the deposit of gypsum on said Section 32 will average at least 80% pure, which is a very high grade of gypsum and very desirable for use in the manufacture of cement. [162]

That affiant from the sample above mentioned and numerous others taken and tested by him and from his knowledge of the great extent of the deposit of gypsum on said land has advised his employers, the cement companies above named, to obtain the gypsum for their plants from said deposits instead of

from those at Mound House, Nevada, and Kings City, California, and said companies have determined to act upon this advice as soon as the transportation facilities are provided for shipping gypsum from Sections 30 and 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California.

That the present market value of the gypsum in the deposits on the sections last above mentioned is at least \$2.00 per ton and on the quarter section mentioned in this application there are many thousands of tons of said mineral of said value.

That account of the demand therefor in connection with the growing of citrus fruit and other crops affiant for his employers is making arrangements to establish a mill for the grinding of the poorer grades of gypsum in said sections for the supplying of such demand and is informed and believes and on such information and belief states that a price of from \$8.00 to \$9.00 per ton can be obtained therefor at points of delivery in Tulare, Fresno, Kings and Kern Counties, California.

F. H. DAVIS.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for said County of Tulare,  
State of California, Duly Commissioned and  
Sworn. [163]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY—No. 03459.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., Kern County, California,  
containing 160 acres.

NOTICE OF LOCATION PLACER CLAIM.

Notice is hereby given, that the undersigned citi-  
zens of the United States in compliance with the re-  
quirments of the Revised Statutes of the United  
States have this day located the following described  
placer mining ground, viz:

The Southwest quarter of Section 32, Township 26  
South, Range 21 East, M. D. B. M., situate in the Lost  
Hills Mining District, County of Kern, State of Cali-  
fornia.

This claim shall be known as the Judge Placer  
Mining Claim.

Located 14th day of February, 1907.

W. B. WALLACE.

J. H. BUTTS.

J. W. McCORD.

H. J. HOYT.

A. R. ORR.

F. R. HIGHT.

JOHN ANDERSON.

H. WIDMER. [164]

I hereby certify the above and foregoing to be a true and correct copy of the original, filed for record at the request of J. N. Hoyt, Feb. 23, A. D. 1907, at 10 minutes past 9 o'clock A. M.

CHAS. A. LEE,  
Recorder.

By \_\_\_\_\_,  
Deputy Recorder.

State of California,  
County of Kern.

I, Chas. A. Lee, County Recorder of said County, do hereby certify that the annexed is a whole, true and correct copy of an original as will appear by reference to Book 40 of Mining Records, p. 288, now in my office, and that said copy has been compared with the original and is a correct transcript therefrom.

WITNESS my hand and official seal this 8th day of November, A. D. 1911.

CHAS. A. LEE,  
Recorder in and for the County of Kern, California.

By \_\_\_\_\_,  
Deputy.

[Official Seal County Recorder, Kern Co., Cal.]  
[165]



IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY—No. 03459.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M.  
D. B. & M., Kern County, California, con-  
taining 160 acres.

CERTIFIED COPY OF ARTICLES OF  
INCORPORATION.

(Here appears a certified copy of Articles of In-  
corporation of the Lost Hills Mining Company, which  
is identically the same as the copy of the certified  
Articles of Incorporation as appears in Exhibit "A,"  
with the exception that the certificate of the Secre-  
tary of State is numbered 19368 instead of 18233, is  
dated the 2d day of November, 1911, is signed by  
Frank C. Jordan, Secretary of State, personally, and  
is numbered in the application for patent herein  
pages 15, 16, 17, 18 and 19.) [166]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY—No. 03459.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M.  
D. B. & M., Kern County, California, con-  
taining 160 acres.

RESOLUTION APPOINTING AGENT.

WHEREAS this corporation, the Lost Hills Min-  
ing Company, a corporation duly organized under  
the laws of the State of California, is the owner of  
certain oil placer mining claims in the County of  
Kern, State of California, for which it desires and is  
about to apply for United States patent; and—

WHEREAS, the principal place of business of this  
corporation is the City and County of San Francisco-  
State of California, and without the United States  
Land District in which said mining claims are  
situate;

NOW THEREFORE,

BE IT RESOLVED: That O. D. Barton, who is a  
citizen of the United States, over the age of twenty-  
one years, be and he is hereby appointed the agent of  
this Company for the purpose of making applications  
for United States patent to the mining claims owned  
by this Company, and he is hereby authorized and

empowered to make, execute, sign and verify any and all instruments in writing [167] necessary to be made in connection with said patent proceedings, and any documents which it may be necessary to file in the Department of the Interior of the United States in connection with and pertaining to such patent proceedings for and on the behalf of this corporation, and as its act and deed.

I, James H. Cameron, the duly elected, qualified and acting Secretary of the Lost Hills Mining Company, a corporation, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed by the Board of Directors of said Company at a meeting duly held by said Board on the 29th day of May, 1911, and that the original of said resolution is recorded in the Book of Minutes of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company the 2d day of June, 1911.

JAMES H. CAMERON,  
Secretary.

[Corporate Seal of Lost Hills Mining Company.]  
[168]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY—No. 03459.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M.  
D. B. & M., Kern County, California, con-  
taining 160 acres.

PROOF OF IMPROVEMENTS.

State of California,  
County of Tulare,—ss.

O. D. Barton, being duly sworn according to law,  
upon his oath deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years and that he is the person  
designated and duly authorized and empowered by  
resolution of the Board of Directors of the Lost Hills  
Mining Company, a corporation, to make on behalf  
of said company all affidavits and to execute any and  
all instruments in writing pertaining to the applica-  
tion by said company for United States Patent to the  
Judge Placer Mining Claim, situate in the County  
of Kern, State of California, embracing the land  
hereinbefore described, as more particularly appears  
by the certified copy of resolution of the Board of  
Directors of said Company on file herewith. [169]

That the applicant has opened up and developed an extensive and valuable deposit of gypsum of good commercial quality upon said land ; that in exploring and developing said deposit the applicant has excavated a total area of 70,000 square feet and various cuts aggregating about 565 feet in length of a width of 8 feet and of a depth of 11½ feet.

That all of said excavations and said cuts are made upon the deposit of gypsum that exists upon said land but though extensive as this work is does not disclose the full extent of the deposit of said mineral on said quarter section.

That said mineral exists in layers or blanket formations, one of which is about 3 feet in thickness, lying close to the surface of the ground, and the other layer is about 60 feet in thickness, beginning about 7 feet below the surface.

That in both layers or blankets of gypsum above mentioned said mineral is of sufficient purity to make it valuable for use in the various ways in which such mineral is employed commercially. That the development work aforesaid disclosed the existence of many thousands of tons of gypsum upon the land involved in this application, which has a value of at least \$2.00 per ton on the ground.

That in addition to the aforesaid work in the months of July, August and September, 1910, applicant drilled a well near the SE. corner of said SW. ¼ to the depth of about 400 feet, in which well a small showing of oil or petroleum was developed.

That in addition to the foregoing work applicant has drilled a well in the NE. corner of said SW. ¼



to the depth of about 890 feet in and by which a deposit of petroleum has been developed which through said well produces petroleum at the rate of about 50 barrels per day. [170]

That in the work of developing the gypsum as aforesaid on the land involved in this application the applicant has expended at least \$900.00 and in the boring of the two wells on said quarter section it has expended over \$10,000.00.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State  
of California, Duly Commissioned and Sworn.  
[171]

#### CORROBORATION BY TWO DISINTERESTED WITNESSES.

State of California,  
County of Tulare,—ss.

Earl Northrop and J. N. Young, each for himself and not one for the other, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and not interested in the application for patent made by the Lost Hills Min-

ing Company for the Judge Placer Mining Claim, covering the SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., Kern County, California.

That he is familiar with said land and the whole thereof, having been upon and over the same frequently, and knows what work and improvements the said applicant has caused to be done and made thereupon; that he has read the foregoing affidavit of O. D. Barton and knows the contents thereof; that the said affidavit correctly states and describes the work and improvements upon the land hereinbefore described; that the drilling outfits and wells mentioned in said affidavit are actually upon the ground and that said work and improvements cost at least as much as it is stated to have cost in said affidavit of O. D. Barton.

EARL NORTHROP.

J. N. YOUNG.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare,  
State of California, Duly Commissioned and  
Sworn. [172]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., Kern County, California,  
containing 160 acres.

AFFIDAVIT OF NONEXISTENCE OF LODGE  
OR VEIN.

State of California,  
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to  
law, upon his oath deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years and that he is the person  
designated and duly authorized and empowered by  
resolution of the Board of Directors of the Lost  
Hills Mining Company, a corporation, to make on  
behalf of said company all affidavits and to execute  
any and all instruments in writing pertaining to the  
application by said company for United States  
Patent to the Judge Placer Mining Claim, situate  
in the County of Kern, State of California, embrac-  
ing the land hereinbefore described, as more par-  
ticularly appears by the certified copy of resolution

of the Board of Directors of said Company on file herewith.

That affiant is now and for a long time prior hereto has [173] been thoroughly familiar with the SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. M., Kern County, California, having been upon and over the same frequently.

That no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

That this affiant makes this affidavit on behalf of the applicant above named, the Lost Hills Mining Company, a corporation.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare,  
State of California, Duly Commissioned and  
Sworn. [174]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the JUDGE PLACER  
CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., Kern County, California,  
containing 160 acres.

AFFIDAVIT OF DISINTERESTED WIT-  
NESSES OF NONEXISTENCE OF LODGE  
OR VEIN.

State of California,  
County of Tulare,—ss.

Earl Northrop and J. N. Young being each duly  
sworn according to law each for himself upon his  
oath deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years and not interested in any  
way in the land involved in this application or in any  
part thereof; that affiant is now and for a long time  
prior hereto has been thoroughly familiar with the  
SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., N. D. M.,  
in Kern County, having been upon and over the  
same frequently.

That no known lode or vein of quartz or other rock  
in place bearing gold, silver, copper, cinnabar or



other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

EARL NORTHROP.

J. N. YOUNG. [175]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify *the* the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare,  
State of California, Duly Commissioned and  
Sworn. [176]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., Kern County, California,  
containing 160 acres.

PROOF OF POSTING OF NOTICE UPON  
CLAIM.

State of California,  
County of Kern,—ss.

F. H. Davis and Chester H. Miller each for himself and not one for the other, being first duly sworn, according to law, upon his oath deposes and says:

That he is a citizen of the United States over the age of twenty-one years and was present upon the 10th day of November, A. D. 1911, when the Notice of Intention of the Lost Hills Mining Company, a corporation, to apply for United States Patent for the Judge Placer Mining Claim, embracing the SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. M., was posted upon the ground.

That said notice was so posted and in such a conspicuous place upon said placer mining claim at and upon the derrick over the oil well upon said claim that said notice could be easily read and seen and examined. [177]

A copy of said notice so posted upon said claim as aforesaid is hereto attached, hereby referred to and made a part of this affidavit.

F. H. DAVIS.

CHESTER H. MILLER.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were

affixed thereto and the oath made by them.

[Seal]

JOHN T. GREEN,

Notary Public in and for the County of Kern, State  
of California, Duly Commissioned and Sworn.

[178]

## NOTICE OF APPLICATION FOR PATENT.

(Not Coal Land.)

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

NOTICE IS HEREBY GIVEN that pursuant to the laws of the United States relating to the sale of lands commonly known as "Placers" and in accordance with the rules and regulations of the Secretary of the Interior promulgated under such laws, the LOST HILLS MINING COMPANY, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States Patent for the

### JUDGE PLACER MINING CLAIM

embracing the SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California, containing an area of 160 acres, the Notice of Location of which is recorded in Book 40 of Mining Records, at Page 288, in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith as said claim and all others adjacent thereto are located in accordance with the United States Survey of said land.

POSTED UPON the ground this 10th day of November, A. D. 1911.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent.

Witness to posting:

F. H. DAVIS.

CHESTER H. MILLER. [179]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., in Kern County, California,  
containing 160 acres.

PUBLISHER'S CONTRACT.

State of California,  
County of Kern,—ss.

The undersigned, the Editor and Publisher of the  
“Delano Record,” a weekly newspaper published in  
Delano, Kern County, California, hereby agrees to  
publish the Notice of Intention of the Lost Hills  
Mining Company, a corporation, to apply for patent  
to the Judge Placer Mining Claim, as required by  
Act of Congress approved May 10th, 1872, and  
Amendments thereof, and the Act of Congress relat-

ing to the sale and disposition of public lands chiefly valuable for petroleum, situate in the County of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same.

And it is hereby expressly stipulated and agreed that no claim shall be made against the Government of the United States, or its officers or agents, for such publication. [180]

IN WITNESS WHEREOF, the undersigned has duly executed this agreement this 13th day of November, A. D. 1911.

C. H. SEIDERS,  
Editor and Publisher. [181]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., Kern County, California,  
containing 160 acres.

AUTHORITY TO SEND NOTICE.

To the Register and Receiver of the United States  
Land Office, Visalia, California.

The undersigned, the Lost Hills Mining Com-  
pany, a corporation, the applicant in the above-en-



titled and numbered application, hereby authorized you or either of you, to send all notices concerning said application to U. T. CLOTFELTER, attorney at law, 409 Kerckhoff Building, Los Angeles, California, and agrees that notices so sent shall be deemed to be notices to the undersigned.

Dated November 10th, A. D. 1911.

LOST HILLS MINING COMPANY.

By O. D. BARTON,

Its Duly Authorized Agent. [182]

Feby. 24, 1912.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459-679648.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Sec. 32, T. 26 S., R. 21 E., M. D.  
B. & M., Kern County, California, contain-  
ing 160 acres.

## INDEX.

	Page
Proof of Continuous Posting.....	1-2
Proof of Publication of Notice.....	3-4
Application to Purchase.....	5-6
Sworn Statement of Charges and Fees Paid.....	7-8
Register's Certificate of Posting Notice.....	

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., Kern County, California,  
containing 160 acres.

PROOF OF CONTINUOUS POSTING.

State of California,  
County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to  
law, deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years, and is duly authorized to  
act for and on behalf of the applicant above named,  
as is shown by the duly certified copy of resolution  
of said company conferring said authority upon him,  
on file in the above-entitled proceeding.

That the notice of intention of the applicant herein  
to apply for patent for the

JUDGE PLACER MINING CLAIM

embracing the lands hereinbefore described, was  
posted upon said mining claim on the 10th day of  
November, 1911, as is fully set forth and described  
in the affidavit of F. H. Davis and Chester H. Miller,  
dated the 10th day of November, 1911, which affi-

davit [184] was duly filed in the office of the Register of the United States Land Office at Visalia, in the State of California.

That said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 10th day of November, A. D. 1911, to and including the 15th day of Feby., 1912, including the sixty-day period during which the notice of said application for patent was published in the newspaper.

O. D. BARTON.

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that I consider the above affiant a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto and the oath made by him.

[Seal]

E. C. FARNSWORTH,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[185]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corpora-  
tion, for Patent to the JUDGE PLACER  
MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., Kern County, California,  
containing 160 acres.

PROOF OF PUBLICATION OF NOTICE.

State of California,  
County of Kern,—ss.

C. H. Seiders, being duly sworn deposes and says that he is the Editor and Publisher of the "Delano Record," and has charge of and attends to the matter of publishing of all notices received from the above-entitled Land Office; that the annexed notice was published in the "Delano Record"; a weekly newspaper published in the town of Delano, County of Kern, State of California, in each issue of said paper for ten (10) consecutive weeks, the first publication being on the 7th [186] day of December, 1911, and the last publication being on the 8th day of February, 1912.

(Here is newspaper clipping which is verbatim the same as Notice of Application for Patent herein given, signed and posted by Geo. W. Stewart, Register United States Land Office, Visalia, California.)

C. H. SEIDERS.

Subscribed and sworn to before me this 21st day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the

foregoing affidavit was read by him before his name was subscribed thereto.

[Seal]

W. B. TIMMONS.

Notary Public in and for the County of Kern, State of California, Duly Commissioned and Sworn.  
[187]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST HILLS MINING COMPANY, a Corporation, for Patent to the JUDGE PLACER MINING CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., Kern County, California, containing 160 acres.

APPLICATION TO PURCHASE.

To the Register and Receiver of the United States Land Office, Visalia, California.

The undersigned Lost Hills Mining Company, a corporation, of the United States, Chapter VI, Title 32, and legislation of Congress supplemental thereto, hereby applies to purchase that certain placer mining claim known as the Judge Placer Mining Claim, embracing the NW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., containing 160 acres according to the system of public lands survey of the United States, and hereby agrees to pay therefor the sum of \$400.00, being the legal price thereof.



Dated February 24th, 1912.

LOST HILLS MINING COMPANY.

By O. D. BARTON,

Its Duly Authorized Agent. [188]

I, George W. Stewart, Register of the United States Land Office at Visalia, California, do hereby certify that the aforesaid mining claim as applied for above is subject to entry by the above-named applicant, that the area of said claim is 160 acres and that the legal price thereof is \$400.00.

Dated ———, 1912.

\_\_\_\_\_,  
Register. [189]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY—No. 03,459.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corporation,  
for Patent to the JUDGE PLACER MINING  
CLAIM.

EMBRACING:

The SW.  $\frac{1}{4}$  of Section 32, T 26 S., R. 21 E.,  
M. D. B. & M., Kern County, California,  
containing 160 acres.

SWORN STATEMENT OF CHARGES AND FEES  
PAID.

State of California,  
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to  
law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and is duly authorized to act for and on behalf of the applicant above named, as is shown by the duly certified copy of resolution of said company conferring said authority upon him, on file in the above-entitled proceeding.

That in the prosecution of the above-entitled and numbered application the said applicant has paid the sums of money following:

To the Register and Receiver for filing ap- plication for patent.....	\$10.00
For publication of notice of application.....	25.00
For purchase price of land.....	400.00
	<hr/>
	\$435.00

O. D. BARTON. [190]

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that the affiant is a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto.

[Seal]

E. C. FARNSWORTH,  
Notary Public in and for the County of Tulare, State  
of California, Duly Commissioned and Sworn.  
[191]

NOTICE OF APPLICATION FOR PATENT.  
IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

(Not Coal Land.)

MINERAL ENTRY No. 03,459.

December 2, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, has made application for United States patent for the

JUDGE PLACER MINING CLAIM,  
situate in the County of Kern, State of California, embracing the SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California, containing an area of 160 acres, a notice of location of which is recorded in Book 40 of Mining Records, at page 288, in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith, as said claim and all others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,

Register.

Date of first publication, ———, A. D. 1911. [192]

February 29, 1912. 4-229.

03459

CERTIFICATE THAT NOTICE REMAINED  
POSTED SIXTY DAYS.

## UNITED STATES LAND OFFICE.

At Visalia, Calif., February 29, 1912.

I hereby certify that a notice of which the attached notice is a copy of application No. 03459 by Lost Hills Mining Company for a patent for the Judge Placer Mining Claim, remained conspicuously posted in this office for the full period of sixty days; that said notice was posted on the 2d day of December, 1911, and remained posted until the 29th day of February, A. D. 1912; that during that time the plat of the official survey No. — of said claim remained in this office, and that no adverse claim has been filed.

GEO. W. STEWART,

Register. [193]

Feb. 2, 1912.

Received.

For Field Division.

Withdrawn.

Dec. 6, 1911.

Second Field Division.

NOTICE OF APPLICATION FOR PATENT.  
IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

(Not Coal Land.)

MINERAL ENTRY No. 03,459.

December 2, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under

such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, has made application for United States patent for the

JUDGE PLACER MINING CLAIM,

situate in the County of Kern, State of California, embracing the SW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California, containing an area of 160 acres, a notice of location of which is recorded in Book 40 of Mining Records, at page 288, in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith, as said claim and all others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,

Register.

Date of first publication ———, A. D. 1911.

(Stamped in red ink is the following, in which is written the underlined portions:)

PROTEST

against the validity of this entry is filed in this office.

A. O. White, Acting Chief of Field Division. Jan.  
31, 1912. (Date.) [194]



## EXHIBIT "E."

Nov. 25, 1911.

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03448-679400.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corporation,  
for Patent to the PETROLEUM PLACER  
MINING CLAIM.

## EMBRACING:

The NW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., Kern County, California,  
containing 160 acres.

## INDEX.

	Pages
Application for Patent.....	1- 6
Supplemental and Corroborative Affidavit.....	7-10
Notice of Location.....	11-12
Certified Copy of Articles of Incorporation....	13-18
Resolution Appointing Agent.....	19-20
Proof of Improvements.....	21-25
Affidavit of Nonexistence of Lode or Vein.....	26-27
Affidavit of Disinterested Witnesses.....	28-29
Proof of Posting Notice upon Claim.....	30-32
Publishers' Contract.....	33-34
Authority to Send Notices.....	35

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corporation,  
for Patent to the PETROLEUM PLACER  
MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., Kern County, California,  
containing 160 acres.

APPLICATION FOR PATENT.

To the Register and Receiver of the United States  
Land Office, Visalia, California:

State of California,  
County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to  
law, upon his oath deposes and says:

Affiant's Authority and Address.

That he is a citizen of the United States over the  
age of twenty-one years, whose postoffice address  
is Visalia, Tulare County, California, and that he  
is the person duly designated, authorized and em-  
powered by resolution of the Board of Directors of  
the Lost Hills Mining Company, a corporation to  
make on its behalf all necessary affidavits and other  
instruments in writing pertaining to an application  
by said company for United States Patent to the  
Petroleum Placer Mining Claim, as fully appears

[196] from a duly certified copy of said resolution filed with this application.

Company's Qualification and Address.

That the Lost Hills Mining Company is a corporation duly created, organized and existing under the laws of the State of California, and has its office and principal place of business in the City and County of San Francisco, State of California, and without the Land District in which the land involved in this application is situate; that its postoffice address is 221 Crocker Building, said City and County of San Francisco; that the directors of said corporation are each and all of them citizens of the United States.

Placer Locations.

That on February 14, 1907, the NW.  $\frac{1}{4}$  of said Section 32 was public land of the United States open to location and appropriation under the laws of the United States relating to what are commonly known as "placers" and land chiefly valuable for petroleum, and on said date H. Widmer, J. H. Butts, J. W. McCord, J. N. Hoyt, J. Gillispee, A. R. Orr, H. J. Light, and W. B. Wallace, each and all of whom were then citizens of the United States, duly located said quarter section of land under said laws of the United States as the Petroleum Placer Mining Claim, as more fully appears by the duly certified copy of Notice of Location filed herewith, which is hereby referred to and made a part hereof.

Transfer to Applicant.

That thereafter and on March 18, 1909, the above-named locators by deed duly executed and delivered

to said Company conveyed the said placer mining claim and the land above-described and all of their right, title and interest therein, to the Lost Hills Mining Company, the applicant herein, all of which more fully appears by the duly certified [197] abstract of title on file in this proceeding, which is hereby referred to and made a part hereof.

#### Possession.

That ever since February 14, 1907, the land hereinbefore described has been in the actual, peaceable, open, notorious, continuous, exclusive and undisturbed possession of the Lost Hills Mining Company, the applicant herein, and its predecessors in interest, the locators hereinbefore named, and during each year since the year 1907, more than \$100.00 has been expended upon said land in the way of work and improvements thereon and in the development thereof and in the doing of the annual assessment work required by the laws of the United States.

#### Work Done and Mineral Developed.

That the applicant has opened up and developed an extensive and valuable deposit of gypsum of good commercial quality upon said land; that in exploring and developing said deposit the applicant has excavated a total area of about 47,000 square feet and various cuts aggregating a length of about 166 feet, with a width of 8 feet and a depth of about 1½ feet on the NW. ¼ of said Section 32.

That all of said excavations and said cuts are made upon the deposit of gypsum that exists upon said land, but though extensive as this work is, does not disclose the full extent of the deposit of said

mineral on said quarter section.

That said mineral exists in layers or blanket formation, one of which is about 3 feet in thickness, lying close to the surface of the ground, and the other layer is about 60 feet in thickness, beginning about seven feet below the surface.

That in both layers or blankets of gypsum above mentioned said mineral is of sufficient purity to make it valuable for use in the various ways in which such mineral is employed commercially. That the development work aforesaid discloses the existence of many [198] thousands of tons of gypsum on the land involved in this application, which has a value of at least \$2.00 per ton on the ground.

That the applicant, in addition to the work done thereon as hereinbefore stated, has bored a well in the NW. corner thereof to a depth of about 860 feet in and by which a deposit of petroleum has been developed which produces through said well petroleum at the rate of about 100 barrels per day.

Expenditures.

That in the work of developing the gypsum as aforesaid on the land involved in this application, the applicant has expended at least \$700.00 and in the boring of the well thereon above mentioned it has expended over \$9,000.00.

*Applicant Bona Fide Occupant and Claimant.*

That prior to and at the time of the passage and approval of an act of Congress entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," approved June 24, 1910, Chapter 421, United States



Statutes, page 847, the applicant was a *bona fide* occupant and in the possession of the land above described under a *bona fide* claim thereto by virtue of the location thereof and the development work done thereon pursuant to said location.

#### Rivers and Timber.

That the land described in this application is situate in a dry and arid portion of the County of Kern, State of California, and that there are no streams or springs of water or growth of timber thereon; that the only vegetation upon said land is the wild native grass and some small shrubs or brush; but so scant is the growth of both that the land is not fit for grazing purposes even, except for a very small portion of an occasional spring of a year when the rainfall is sufficient to produce a growth of natural grass. [199]

#### Character of the Land.

That the soil of said land is so thoroughly impregnated with minerals such as lime and gypsum that nothing grows thereon except the grass and shrubs above mentioned and they are short and but thinly cover the ground; that this condition is so pronounced that the only use to which the land can profitably be devoted is that of producing petroleum or gypsum therefrom; that so dry and arid is the region in which the land is situated and so unproductive is it in the way of grass and shrubs that except for its value for the deposits of petroleum developed therein as aforesaid and deposits of gypsum thereon, that it is for all practical purposes worthless; that this application is made in good

faith for the purpose of obtaining title to the land above described for the mineral deposits therein and not for the purpose of obtaining title to any timber thereon or the control of any streams or springs of water thereon.

Application for Patent.

That upon the facts and for the reasons hereinbefore stated, affiant hereby makes application for United States Patent to the land above described under the name of the

PETROLEUM PLACER MINING CLAIM,  
for the benefit and in behalf of the Lost Hills Mining Company, a corporation.

(Signed) O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing application was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State  
of California, Duly Commissioned and Sworn.

[200]

IN THE UNITED STATES LAND OFFICE,  
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST  
HILLS MINING COMPANY, a Corporation,  
for Patent to the PETROLEUM PLACER  
MINING CLAIM.

EMBRACING:

The NW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E.,  
M. D. B. & M., Kern County, California,  
containing 160 acres.

SUPPLEMENTAL AND CORROBORATIVE  
AFFIDAVIT.

State of California,  
County of Tulare,—ss.

F. H. Davis, being first duly sworn according to  
law, deposes and says:

That he is a citizen of the United States over the  
age of twenty-one years and is now and for six  
years last past has been engaged in the business of  
the manufacture of cement as the general superin-  
tendent of the Santa Cruz Portland Cement Com-  
pany, which has a plant at Davenport, California,  
and also for the one year last past as general super-  
intendent of the Standard Portland Cement Com-  
pany with a plant at Napa Junction, said State.

That in the manufacture of cement gypsum is  
employed for regulating its set.

That the cement companies above named use in

the manufacture of cement about 12,000 tons of gypsum per annum, and obtain their supply from Mound House, Nevada, for the plant of the Standard [201] Company, and from near Kings City, California, for the plant of the Santa Cruz Company.

That affiant is familiar with the deposits of gypsum existing upon the NW.  $\frac{1}{4}$  of Section 32, T. 26 S., R. 21 E., M. D. B. & M., Kern County, California, account of having been in personal charge of much of the work done thereon in the development thereof by the Lost Hills Mining Company.

That for the purpose of determining whether said last-mentioned deposit of gypsum was of a quality that could profitably be used in the manufacture of cement, affiant had samples taken therefrom which were so selected as to show as accurately as possible the average quality of the gypsum on the quarter section of land last above described, and to show as nearly as possible what a mine run of the gypsum would disclose as to quality; that said samples were made up of the poorest quality of gypsum on the quarter, as well as of the best, in such way as to constitute a fair average sample of the deposit.

That after said samples were taken the same were quartered down to the weight of from 25 to 40 pounds and tested at the cement plant above mentioned, located at Davenport, California.

Said test showed the deposit to be 62.03% of gypsum.

That said samples and said tests also showed that the quality of gypsum in the deposit on said quarter section was such that it could be profitably used

in the manufacture of cement; that much of said deposit is of as good quality as that obtained from Kings City, California, and used as aforesaid at the plant of the Santa Cruz Portland Cement Company.

That 50% of the deposit of gypsum on said section 32 will average at least 80% pure, which is a very high grade of gypsum and very desirable for use in the manufacture of cement. [202]

That affiant from the sample above mentioned and numerous others taken and tested by him and from his knowledge of the great extent of the deposit of gypsum on said land has advised his employers, the cement companies above named, to obtain the gypsum for their plants from said deposits instead of from those at Mound House, Nevada, and Kings City, California, and said companies have determined to act upon this advice as soon as the transportation facilities are provided for shipping gypsum from sections 30 and 32, T. 26 S., R. 21 E., M. D. B. & M., Kern County, California.

That the present market value of the gypsum in the deposits on the sections last above mentioned is at least \$2.00 per ton and on the quarter section mentioned in this application there are many thousands of tons of said mineral of said value.

That account of the demand therefor in connection with the growing of citrus fruit and other crops affiant, for his employers, is making arrangements to establish a mill for the grinding of the poorer grades of gypsum in said sections for the supplying of such demand and is informed and believes and on such information and belief states that a price



of from \$8.00 to \$9.00 per ton can be obtained therefor at points of delivery in Tulare, Fresno, Kings and Kern counties, California.

F. H. DAVIS.

Subscribed and sworn to before me this 10th day, of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable witness and that the above affidavit was read and examined by him before his signature was affixed thereto, and the oath taken by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[203]